

IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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SPECIAL ISSUE:
Art Loss in Iraq
also
New Light on Pissarro

INCORPORATING **STOLEN ART ALERT**

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Editor in Chief: Sharon Flescher

Editor: Kathleen Ferguson

Design: Allison Henry

International Foundation for Art Research (IFAR)

500 Fifth Avenue, Suite 935, New York, NY 10110

Tel: (212) 391-6234 Fax: (212) 391-8794 www.ifar.org

Executive Director: Sharon Flescher

Assistant to the Director: Kathleen Ferguson

Special Research Associate: Gertrude Wilmers

Consultant, Authentication Service: Virgilia Pancoast Klein

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IFAR Journal

INTERNATIONAL FOUNDATION FOR ART RESEARCH

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COVER: Head of a Bull. Gold. Musical instrument (Harp) from Ur. Early dynastic, 2450 B.C. Iraq Museum, Baghdad. Photo: Scala/Art Resource, NY. This gold head, hidden for safekeeping, was NOT stolen during Operation Iraqi Freedom. The wooden body of the Harp, however, in the Iraq Museum, was badly damaged. (See photo, p. 42.)

ART LOSS IN IRAQ

As the world is all too well aware, the recent conflict in Iraq has wreaked havoc on the museums, libraries, and archaeological sites in a country that has justly been called the cradle of civilization. Between April 10 and 12, soon after the city of Baghdad fell to U.S. troops, the unguarded Iraq National Museum was invaded by looters, who caused enormous damage to what is one of the world's great archaeological collections. Although early reports of the extent of the theft and damage to the museum were, fortunately, exaggerated, the losses are nonetheless enormous and will not be fully known for months. What is known, and what is outlined on the pages of this special double-issue of *IFAR Journal*, is that in addition to the looting in the museum, the National Library was burned and virtually destroyed, and there was damage done to museums outside Baghdad and to archaeological sites throughout the country.

The enormity of the initial reports galvanized the world's art community, and IFAR was quick to respond:

- We immediately announced our intention to do whatever possible to help recover the stolen items and discourage anyone from acquiring them;
- We placed a cautionary statement, as well as other information, on our Website (www.ifar.org) and in our Journal;
- IFAR met in Washington on April 16 with representatives from 16 other not-for-profit organizations (that later grew to 30) to form a coalition to share information and combine efforts to address the situation and help with recovery;

- IFAR was part of the official U.S. delegation to an INTERPOL conference in Lyon, France convened to address the crisis. The meeting brought together experts from around the world, representing law enforcement, museums, UNESCO, the archaeological community, and the art trade, to discuss integrating efforts to address the crisis and prevent trafficking in stolen Iraqi items. (See: <http://www.interpol.int/Public/WorkOfArt/Iraq/Minutes.asp>);
- I participated in an Advisory Roundtable on the illicit antiquities market organized by the CIA in response to the crisis;
- IFAR responded to literally dozens of inquiries by the press for information;
- IFAR began planning a public program on Iraq, Afghanistan, and other potential crisis areas;
- We drafted plans for this special edition of *IFAR Journal* devoted to Iraq; and
- We stand ready to do whatever else is necessary and appropriate to address this situation.

The current issue of *IFAR Journal* is a direct response to the crisis in Iraq. We have commissioned several of the most eminent specialists on the art and culture of Iraq to write first-hand reports about their post-war visits to the country, and to discuss some of the art of the region and what is at risk. We also commissioned a legal scholar to describe the legal framework governing the military in times of conflict. And, in keeping with IFAR tradition, we have gathered as many images as possible of known stolen Iraqi items for the *Stolen Art Alert* so as to inform our readership and the world at large.

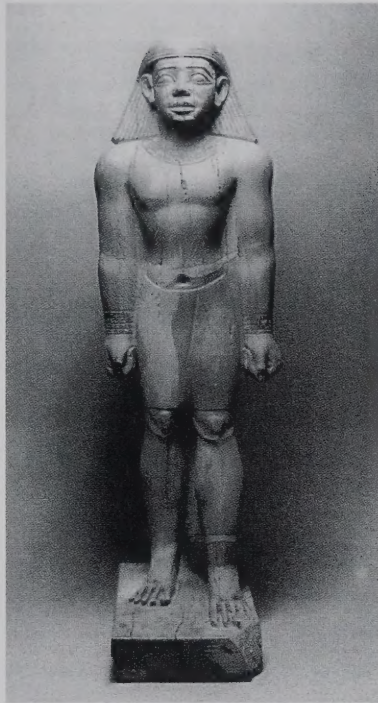
Sharon Flescher
Executive Director, IFAR

ANTIQUITIES DEALER LOSES APPEAL

**Second Circuit Upholds
Schultz Conviction
He'll Seek Review by
Supreme Court**

In a closely watched case with major implications for the antiquities market, a federal court in New York has affirmed the conviction of Frederick Schultz for conspiring to receive and traffic in Egyptian antiquities that the Egyptian government said were stolen in violation of its 1983 patrimony law. Schultz, the former President of the National Association of Dealers in Ancient, Oriental, and Primitive Art, had been convicted by a district court jury in June 2002 of one count of conspiracy and was sentenced to thirty-three months in prison and fined \$50,000 (see *IFAR Journal*, Vol. 5, no. 4 and Vol. 4, nos. 2 & 3). He appealed, but on June 25, 2003, a three-judge Second Circuit Court in New York upheld the conviction.

Although he was free on bail during the period of appeal, Schultz began serving his prison sentence at the end of July. His counsel told IFAR that he plans to file a petition in September



Limestone statuette, nicknamed "George," Sixth Dynasty, Old Kingdom, c.2100 B.C. Photo: U.S. Attorney's Office, Southern District of NY.

seeking leave to appeal (a writ of certiorari) to the U.S. Supreme Court to review the decision. At issue: whether the National Stolen Property Act (NSPA) of 1934, under which Schultz was convicted, was meant to apply to objects that are considered stolen solely because a government claims ownership of all objects in its soil under a patrimony law, in this case Egypt's Law 117.

"Schultz argued that the Egyptian antiquities were not stolen as the term was used in the NSPA, because they were never 'owned' in a traditional sense . . . The appeals court did not agree. It said that *McClain* was correct in applying the NSPA . . ."

The NSPA provides criminal penalties for receiving, possessing, or selling stolen goods valued at more than \$5,000 which have crossed a U.S. state or national border. The stolen antiquities in the Schultz case included a stone head, purportedly of Pharaoh Amenhotep III (which Schultz sold for \$1.2 million), and a limestone statuette (nicknamed "George"). At trial the government produced evidence showing that Schultz and a British co-conspirator, Jonathan Tokeley-Parry, conceived an elaborate scheme to smuggle antiquities out of Egypt and to devise fake provenances to suggest that the works belonged to an old English collection that antedated the Egyptian patrimony law.

In his appeal, Schultz argued, as he had done in a pre-trial motion, that Egypt's Law 117 was an export law not an ownership law. As an export law, he maintained, it could not be enforced through the NSPA because nothing had been stolen. The appeals court rejected this reasoning stating that the plain language of Law 117 and the testimony of two Egyptian officials made it clear that the law did vest true ownership in the Egyptian government. Thus, the pertinent question became whether such ownership should be recognized by the United States for purposes of prosecution under the NSPA.

Schultz asked the appeals court not to apply the reasoning of *United States v. McClain*, 545 F.2d 988 (5th Cir. 1977), a landmark – and still controversial – 1977 decision in which the Fifth Circuit in New Mexico, incorporating a broad definition of the term "stolen," determined that the NSPA was appli-

"Now that two circuit courts . . . have agreed that the NSPA applies to some foreign patrimony laws, it seems less likely that the Supreme Court will review the decision."

cable to defendants who had imported artifacts from Mexico that were protected by a Mexican patrimony law similar to Egypt's. Schultz argued that the Egyptian antiquities were not stolen as the term was used in the NSPA, because they were never "owned" in a traditional sense by the Egyptian government. The appeals court did not agree. It said that *McClain* was correct in applying the NSPA, quoting the *McClain* court's observation that if the NSPA was not applicable in such cases, governments would be denied any protection for claims of ownership after they had done all they could to protect their interests. Thus, the court held that the NSPA does apply to property "that is stolen from a foreign government, where that government asserts actual ownership of the property, pursuant to a valid patrimony law."

Schultz also argued on appeal that the 1983 Cultural Property Implementation Act (CPIA), not the NSPA, was the means by which the United States should deal with antiquities and other cultural property imported into the U.S. The CPIA implements the U.S. ratification of the 1970 UNESCO Convention on Cultural Property and was passed only after 11 years of Congressional debate. The CPIA, Schultz claimed, substituted a civil enforcement regime for criminal prosecution where foreign interests might require protection.

Again, the appeals court disagreed. The court found that the "potential overlap between the CPIA and the NSPA is no reason to limit the reach of the NSPA." The court also noted that, although the compromise that

facilitated passage of the CPIA in Congress included an agreement to amend the NSPA with regard to *McClain*, a bill to overrule *McClain* had twice failed to pass in Congress. Since such legislation was necessary to get around *McClain* the court concluded, CPIA alone was clearly not enough.

Now that two circuit courts – the Second Circuit in New York and the Fifth Circuit in New Mexico – have agreed that the NSPA applies to some foreign patrimony laws, it seems less likely that the Supreme Court will review the decision. However, there is always uncertainty as to which cases the Supreme Court will choose to review. The Schultz case is high profile and elicited several friends-of-the-court briefs from, among others, the Archaeological Institute of America (on behalf of the government) and from an ad hoc coalition called Citizens for a Balanced Policy with Regard to the Importation of Cultural Property (on behalf of Schultz). The latter coalition included both Senator Robert Dole and the late Senator Patrick Moynihan, the bi-partisan co-sponsors of the 1983 Cultural Property Implementation Act.

— Sharon Flescher and
Samuel Butts, Law Intern, IFAR



ACCUSED DALÍ THIEVES CHARGED

WHO'S WATCHING THE STORE?

A popular crime mantra is that "It takes a thief to catch a thief." But when the thief is the law itself? Well, then, "It takes a cop to catch a cop."

The four men accused of stealing a Salvador Dalí sketch from the entrance area of a men's prison in New York City are none other than two Assistant Deputy Wardens and two Corrections Officers who worked in the prison. The four have been charged with second degree grand larceny, have denied the charges, and are out on bail. They've also been suspended by the NYC Department of Correction.

As described in the last issue of *IFAR Journal* (Vol. 5, no. 4), the 1965 Dalí ink and gouache sketch of Christ was a gift by the flamboyant Surrealist artist to the prison inmates as a "consolation" prize when illness prevented him from keeping a scheduled visit there.

The original work (59" x 39 1/2", unframed) was taken on March 1st along with its carved, stained mahogany frame and replaced with a copy that was crudely stapled to the back of the display case. The new frame was a poor imitation. If the thieves were hoping that no one would notice, they were wrong. The theft was spotted almost immediately by a prison guard who noticed that the sub-



Salvador Dalí. *Christ on the Cross*, February 1965. India ink, gouache, and pencil on board. 59" x 39½" (unframed). Stolen from the Men's Correctional Facility, Riker's Island, New York, March 1, 2003. Still Missing.

stitute work was "too new and too bright."

The prison is the Men's Correctional Facility on Riker's Island in New York. The two Assistant Deputy Wardens and two Corrections Officers are charged with carrying out a scheme to steal the work – even though it hung in a heavily trafficked area – by arranging for a midnight fire drill to clear the area and by positioning themselves as watchmen. Officers not in on the plot were ordered to leave for a meal break.

Their plan worked, briefly, until indeed the authorities stepped in "to catch a cop."

Meanwhile, the original Dalí is still missing.

— SF

WHO OWNS THE WORKS NATIONALIZED BY LENIN?

Claim Against the L.A. County Museum over Blockbuster Exhibition

Heir to Russian Collector Shchukin Wants Share of Exhibition Proceeds

Museum Files Motion to Dismiss

We have become familiar with claims against museums resulting from Nazi-era theft. Now here's a case with roots that go back even further. A lawsuit has been filed against the Los Angeles County Museum of Art (LACMA) that briefly jeopardized the exhibition of "French Masterworks from the State Pushkin Museum, Moscow." The lawsuit was filed on July 15 (amended July 23) by Andre Marc Delocque-Fourcade, grandson of Sergei Shchukin, one of the two great Russian collectors of modern French art. Shchukin's collection was appropriated and nationalized by Lenin in 1918 after the Russian Revolution, and, along with the works that once belonged to Ivan Morosov, forms the core of French masterworks now in the Pushkin and Hermitage Museums in Russia. Twenty-five paintings in the LACMA exhibition once belonged to Shchukin.

Although the suit declares Delocque-Fourcade "the rightful owner" of the 25 paintings, it doesn't seek ownership of them. Rather, it argues that the works should either be removed from the show or that the museum should pay compensation (unspecified amount) to him. However, the exhibi-

tion opened on schedule – July 27, after LACMA's director, Andrea Rich, declared the suit to be "without merit." On August 15, the museum filed a motion to dismiss the suit.

Delocque-Fourcade is a French citizen and Shchukin's heir. For years, he has been pursuing a claim in Europe – unsuccessfully – to works that were once in his grandfather's collection. This is the first time, however, that he has made a court claim in the U.S.

PREVIOUS CLAIMS

In June 2000, he claimed Matisse's *Dance II* (1910), one of the most famous works from the Shchukin Collection, while it was in Italy on loan from the Hermitage (see *IFAR Journal*, Vol. 3, no.2). The enormous painting was hastily spirited back to Russia two days before a judge in Rome planned to hear the claim. As early as 1954, the Shchukin family tried to reclaim some Picassos loaned by Russia to an exhibition in Paris. The French courts rejected the claim, but that time, too, Russian officials ordered the works flown back.

Shchukin (1854–1936), a textile merchant, amassed one of the world's great collections of avant-garde paintings. He owned the first Monet in Russia, as well as major works by Picasso, Gauguin, and others. He was one of Matisse's greatest patrons. By 1911, when he invited Matisse to Russia, he owned 34 of the artist's works. His entire collection, along with those of his friend Morosov and many other Russian aristocrats, was nationalized. It was later sent to the Hermitage and Pushkin Museums. Shchukin fled to the West and died in 1936.

Between 1928 and 1931, the Soviet government, strapped for cash, sold some of the works to Western buyers in a series of sales through art dealers and a Berlin auction house. Several lawsuits were brought over the years against the Western owners who eventually acquired the works, or against museums in the West when works were loaned. None of these ownership claims has succeeded – except one: an unusual case in Holland in the 1960s. The most famous dispute in the U.S. was *Stroganoff-Scherbatoff v. Weldon*; *Stroganoff-Scherbatoff v. Wrightsman* in 1976. In those suits, heirs to the aristocratic Stroganoff collection claimed two nationalized works sold by the Soviets and acquired by two prominent New York collections. The U.S. courts ruled that the Act of State Doctrine barred the suit from going forward.

ACT OF STATE DOCTRINE

Under the Act of State Doctrine, an ownership claim will not go forward (whatever its other merits) if the claim concerns objects confiscated by a foreign government, when:

- 1) that government is recognized by the U.S;
- 2) confiscation of the property (artwork) took place within the foreign sovereign's own territorial boundaries.

The effect of this doctrine is that the U.S. enforces and recognizes public acts of foreign sovereign governments even if those same acts would be invalid or unacceptable in the U.S. (We've made a distinction

between Russian nationalization and Nazi art theft. One reason is that Allied declarations during and after WWII invalidated Nazi property transactions.)

IMMUNITY FROM SEIZURE

An interesting aspect of the current lawsuit – influenced perhaps by recent rulings in the California federal courts – is that Delocque-Fourcade waited until the third venue of the exhibition to file his claim in federal district court in L.A. The exhibition, organized by the Museum of Fine Arts, Houston, toured Atlanta and Houston before coming to L.A., its last stop. The suit claims that the immunity from seizure granted by the U.S. State Department to the exhibition under the Federal Immunity from Seizure Act ("FISA" – 22 U.S.C. § 2459) was made incorrectly, since the Houston museum failed to state the extent of Mr. Delocque-Fourcade's ownership claim. Had it done so, "immunity would not have been granted."

"Not so," says Thaddeus Stauber, LACMA's General Counsel. "In fact," he told IFAR, "the State Dept., which administers the FISA, *did* look into this before granting immunity" and determined that "the exhibition was in the U.S. national interest." Stauber expects that the U.S. Attorney, acting on behalf of the State Dept., "will step in and file for dismissal of the suit, . . . since immunity protects museums from any judicial process and covers not just seizure but also attachment of revenues. . . . The argument that the Shchukin's have," he adds, is "with the Russian government, not with an American museum."

AUSTRIA SEEKS REVIEW BY SUPREME COURT IN KLIMT CASE

The Republic of Austria has filed a petition asking the Supreme Court to hear its case after a three-judge panel of the Ninth Circuit Court of Appeals in California ruled that the country could be sued in California. As previously reported in *IFAR Journal* (see Vol. 4, no. 4/Vol 5, nos. 1-3) Maria Altmann, an elderly citizen of California, is suing the government of Austria and the Austrian Gallery in Vienna to reclaim six valuable paintings by Gustav Klimt that now hang in the Gallery. The paintings had belonged to Mrs. Altmann's uncle but were confiscated by the Nazis in 1938. After the panel decision, Austria had sought a rehearing by the entire Ninth Circuit, not just the three-judge panel, but the court refused, despite the filing by the U.S. Department of Justice of a friend-of-the-court brief on Austria's behalf. (As of press time, the DOJ has not filed a friend-of-the-court brief for the Supreme Court hearing.)

Should the Supreme Court agree to hear the case, it will be asked to decide whether, regarding these paintings, Austria is immune from suit in the United States under the Foreign Sovereign Immunities Act (FSIA) of 1976, as it argues. Though the FSIA provides exceptions that allow foreign states to be sued in specific circumstances, Austria asserts that these exceptions cannot be applied to events that occurred prior to 1952 (the year the policy codified by the FSIA was adopted) and, even if they could be,

— SF

Austria's actions do not fall within any of the enumerated categories. Even if it accepts the case, however, the Supreme Court may choose to rule on narrower grounds, such as improper venue. Austria contends that since none of the alleged wrongful activity took place in California and because none of the paintings are, or ever have been, in the state, it would violate federal venue statutes to allow the suit to proceed there. It also argues that it cannot be considered to be "doing business" in California for venue purposes as it lacks sufficient commercial contacts with the state. A decision on whether or not to accept the case will probably not be handed down until the fall.

— SB

UNESCO DRAFTS DECLARATION AGAINST INTENTIONAL DESTRUCTION OF CULTURAL HERITAGE

In March 2001, the world reacted in horror to the destruction by the Taliban of the two giant 1,500-year-old Buddhas carved into the cliffs of Bamiyan, Afghanistan. Spurred on by that act of wanton destruction, UNESCO convened meetings that resulted this July in a draft "Declaration Concerning the Intentional Destruction of the Cultural Heritage." The proposal will be presented to UNESCO Member States for adoption at the 32nd session of its General Conference this Fall (see: <http://unesdoc.unesco.org/images/0013/001307/13078oe.pdf>).

The draft draws on previous UNESCO cultural heritage conventions, as well as other international instruments, such as the Hague Conventions of 1954 and 1907. (For more about these conventions, see article, this issue, by J. Nafziger.) According to UNESCO, the Declaration's purpose is threefold:

- to uphold existing obligations based on international agreements already in place;
- to prevent and prohibit the intentional destruction of cultural heritage (and, when linked, natural heritage);
- to encourage those States not already party to existing cultural heritage instruments to become parties.

The Draft contains nine articles, of which Article 2 is central. It sets out the scope of the resolution, stating, in part:

"For purposes of this Declaration 'intentional destruction' means an act intended to destroy in whole or in part cultural heritage, thus compromising its integrity, in a manner which constitutes an unjustifiable offense to the principles of humanity and dictates of public conscience."

According to an accompanying UNESCO report, the term "cultural heritage" was specifically left unqualified, so as "not to exclude expressly its 'movable' or 'immovable' nature, or its 'tangible' or 'intangible' forms." The emphasis was placed on the "intentional" nature of the destruction rather than on the specific cultural heritage being protected.



One of two giant Buddhas in Bamiyan, Afghanistan destroyed by the Taliban in March 2001.

Article 2 also makes clear that the Declaration concerns peacetime acts as well as those of war, going, in this respect, beyond the 1954 Hague Convention.

THE U.S. AND UNESCO

The U.S. is not currently a member of UNESCO, having dropped out in 1984. President Bush announced in September 2002, however, that the U.S. would rejoin, and he requested \$71 million in his Fiscal Year 2004 budget to fund U.S. reentry. Authorization was debated in Congress; the House approving its version of the authorization bill in July, but Senate approval has been delayed for unrelated reasons. (If the U.S. can rejoin by October 2003, it will be eligible to run for a seat on the UNESCO Executive Board.)

The U.S. is not a party to the Hague Convention of 1954.

—SF

IFAR FLASHBACK

30 Years Ago

"Dr. Harry Bober . . . detailed several [Foundation] case histories. In one instance, a painting whose attribution to Corot was under investigation was found to have three signatures – including that of the forger. When the picture was examined under infra-red light, the signature of the original artist, Armand Bouffa(z), was revealed. In addition, the forger had signed his own name, Simon, in the lower right hand corner, and then painted over it the well-known signature of Corot. Dr. Bober explained that the examining experts' greatest excitement came from the fact that they were already familiar with another painting with two layers of signatures, both forged. Under the visible signature of Childe Hassam was that of Renoir with the same forger's name, Simon, beside it. Not only was a work of art properly attributed, but further evidence was amassed in establishing the identity of a forger." (Bulletin, *International Foundation for Art Research*, Vol. 1, no.1, May, 1973)

20 Years Ago

"The International Foundation for Art Research is joining forces with the Committee for the Defense of the Artistic Patrimony of Cuzco in Peru in a project to catalogue and make a photographic record of the Spanish colonial religious paintings in the churches of Cuzco.

A group of expert consultants, including art historians, cataloguers, photographers, and a computer expert, has been organized by IFAR to go into the field for eight weeks in August and September 1983. . . Until recently, the churches [in Cuzco] were well cared for, but the land reform in 1969 put an end to a system whereby a guardian or *economo* slept in each church every night in exchange for the right to farm the church lands. Since then there have been many thefts, and these works have started to appear on the international art market. . ."

(*Art Research News*, Vol. 2, nos. 2-3, 1983)

10 Years Ago

"The Metropolitan Museum of Art has agreed to return over 300 ancient silver vessels and utensils to the Republic of Turkey, in a settlement that ends a six-year lawsuit. The precious objects, acquired in a series of purchase and gifts in the late 1960s. . . cost the museum over \$1.5 million. The museum's attempts to have the suit dismissed failed, and the action proceeded to the stage of discovery where Turkey was able to review museum documents, such as the minutes of the acquisitions committee which approved the purchases and gifts. . ."

Turkey maintained that the objects it calls the Lydian Hoard had been plundered in digs at several burial mounds in the Usak region in 1966. . ."

(*IFARreports*, Vol. 14, no. 10, 1993)

5 Years Ago

"A dispute regarding Degas's 1890 *Landscape with Smokestacks* was resolved amicably in August, only weeks before it was scheduled to go before a federal court jury. The work was owned by pharmaceuticals magnate, Daniel Searle, and claimed by the heirs to Holocaust victims, Louise and Friedrich Gutmann. The Solomon-like agreement called for Mr. Searle to cede half ownership of the artwork to the Gutmann heirs and donate his half to The Art Institute of Chicago, on whose Board Mr. Searle sits. The museum, in turn, would purchase the Gutmann family half-ownership based upon the average value as determined by two independent appraisers. . ."

(*IFAR Journal*, Vol 1, no. 3, 1998)

IFAR JOURNAL WINS AWARD

We're pleased to announce that the *IFAR Journal* won First Prize in the annual American Association of Museums' Publications Contest. Category: Scholarly Journals, Smaller Institutions. The award was announced in May 2003. We are deeply honored and, needless to say, thrilled. Kudos to our designer, Allison J. Henry, and to our editorial and production team: Sharon Flescher, Editor-in-Chief, and Kathleen Ferguson, Editor. A thank-you as well to Michel Tremblay at Integria, printer, and to all the writers and Advisory Council members and others who've contributed to the success of this still-new publication. An extra special thank-you to our funders, whose support enables us to continue publication. The journal has subscribers in 19 countries.

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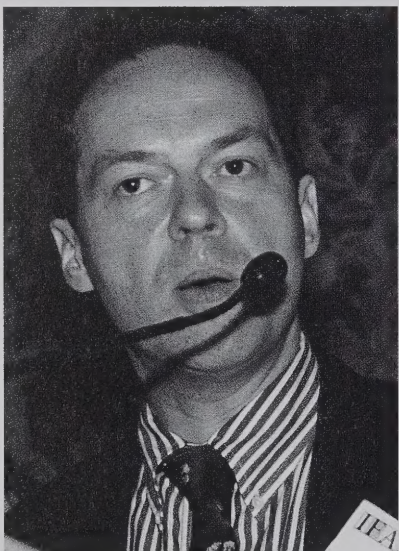
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CHALLENGES AND DISCOVERIES IN THE ART OF CAMILLE PISSARRO: **THE NEW CATALOGUE RAISONNÉ**



EDITOR'S NOTE: The following articles, by Joachim Pissarro and Claire Durand-Ruel Snollaerts, are edited transcripts of their May 27, 2003 *IFAR Evening* talks on the forthcoming Camille Pissarro Catalogue Raisonné, on which they have been working for the past nine years. The program was held in the lecture hall of The Frick Collection in New York, and a reception followed in the museum's lovely Garden Court. The galleries were kept open for private viewing of our guests.

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CAMILLE PISSARRO THROUGH THE FORTHCOMING CATALOGUE RAISONNÉ

JOACHIM PISSARRO*

The forthcoming catalogue raisonné of Pissarro's paintings, which is about to enter the production stage, is the second catalogue raisonné of his painted work. The first was published in Paris in 1939 by Paul Rosenberg & Co. Its author was the artist's fourth son, Ludovic-Rodo Pissarro, who had been working on that catalogue raisonné, off and on, for about 20 years (Fig. 1).

You might ask why there should be two catalogues raisonnés of Pissarro's paintings? A catalogue raisonné by definition offers an exhaustive, systematic list – rationally organized – of an artist's complete *oeuvre*. If related to other fields of the humanities, it is comparable to a dictionary –

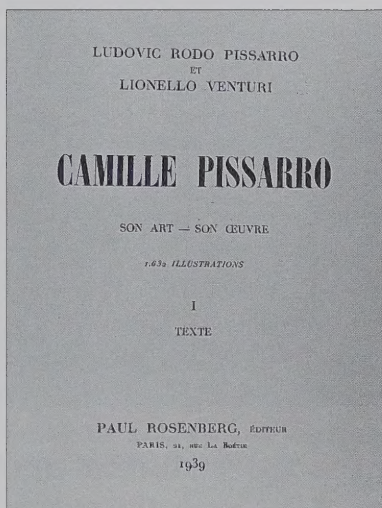


Figure 1. Cover of the 1939 Pissarro catalogue raisonné.

or maybe, more aptly, to an encyclopedia. There is, indeed, an encyclopedic dimension to any catalogue raisonné project. Given that the task of a catalogue raisonné is to be definitive, how can one be definitive more than once?

Before I give you a more detailed sense of what distinguishes the

1939 catalogue from the current one, let me just give you a brief arithmetical answer to this question. The 1939 catalogue included 1,316 paintings by the artist. It was, at the time, by far the most complete, and exhaustive publication on the artist's *oeuvre*. The new catalogue will include over 1,500 paintings – thus about two hundred new paintings were discovered between the first and the second catalogues (Fig. 2). This may be one of the most visible differences between the two catalogues – but this is by no means the only difference.

The view, according to which there can only be one catalogue raisonné, does not take into consideration that catalogues raisonnés are no different from any other product of the history of art. They too have their own history: art historical and scholarly publications partly define history, and are part-

* Joachim Pissarro, great-grandson of Camille Pissarro, is a Visiting Professor of Art History at Hunter College, City University of New York and former Curator of Contemporary Painting and Adjunct Professor at Yale University.



Figure 2. Camille Pissarro, *La Crête du Chou*, 1881. Oil on canvas, 46 x 55 cm. Private collection. One of 200+ works in the new catalogue raisonné discovered since the first catalogue was published in 1939.

ly defined *by* it. The Pissarro catalogues are no exception: they, too, reflect the time in which they were produced—they are the reflections of their own epoch, of their own history. Catalogues raisonnés are inherently bound with history, and, yes, they do change with history.

THE HISTORY OF CATALOGUES RAISONNÉS

The concept and the term ‘catalogue raisonné’ was invented by a very important figure of the Parisian art market in the 18th century — someone who occupied the same position in the art market of the 18th century as Paul Durand-Ruel did a century later. His name was Edmé-François Gersaint (1694–1750). His claim to

fame, however, is not that he invented the catalogue raisonné, but that he had a notable shop sign painted by Watteau for the premises of his boutique. In 1751, a year after his death, his magnum opus was published: *Cata-*

“... Art historical and scholarly publications partly define history, and are partly defined *by* it. The Pissarro catalogues are no exception...”

logue raisonné de toutes les pièces qui forment l'oeuvre de Rembrandt. Despite its more comprehensive title, this very first catalogue raisonné was devoted to

Rembrandt's prints. Very much following the footprint of his contemporaries Voltaire (Gersaint was born the same year as Voltaire) and especially Diderot, his open ambition was to introduce reason into the study of humanities. His *Catalogue raisonné* of Rembrandt was the first systematic study devoted to mapping out the entire *oeuvre* of a single artist — even though, in this case, it was actually only listing Rembrandt's prints. The method established by Gersaint was soon applied to the study of paintings — and his seminal work on Rembrandt's prints established the touchstone for a whole tradition of scholarship on Rembrandt's prints and radically transformed the field of art history.

Gersaint established the groundwork for a whole tradition of modern connoisseurship that had not been the focus of a systematic inquiry until the creation of catalogues raisonnés. The irony is

that, almost at the same time, in 1750, another seminal book was published in Germany. Its author was Alexander Gottlieb Baumgarten, and the title was *Aesthetica*. This book introduced the term

'aesthetics', defined as the "theory of liberal arts." Thus, the two essential sides of the art historical coin were founded a year apart: the connoisseurship aspect through the birth of catalogues raisonnés, and the theoretical, interpretive aspect through the birth of aesthetics. One tradition (that of the catalogues raisonnés) is rooted in the empirical, scientifically verifiable collection of facts and observations. The other tradition (that of aesthetics) emphasizes the philosophical meanings of an artwork, its hidden message. It has become trendy in the last two or three decades to refer to the divide between theory and connoisseurship, academia being the hotbed of theory, and museums being the consecrated temples that continue to respect the time-honored tradition of connoisseurship. In fact, this divide is not two or three decades old: it is exactly 250 years old, proving that the two aspects are in fact inseparable.

At this stage, some of you might be wondering what Rembrandt prints have to do with Pissarro? Oddly enough, Pissarro saw his own image very much through Rembrandt's eyes (Fig. 3). Not only did he remain an unwavering admirer of Rembrandt as a printmaker, but he was also deeply familiar with the literature on Rembrandt – and that included, of course, the catalogues raisonnés on the artist's work. Incidentally, Pissarro kept a photo of Rembrandt's *Bathsheba* (1654, oil on canvas, Louvre) with him all the

time. Besides, Pissarro and Degas were highly aware, even early in their careers, of having revolutionized the field of printmaking just as Rembrandt had done in the 17th century, or Dürer had done at the beginning of the 16th century.

logues raisonnés of Delacroix's prints and Charles Meryon's prints. For the catalogue raisonné of Pissarro's prints, Delteil enlisted the help of Ludovic-Rodo Pissarro, who did all the groundwork and all the research.

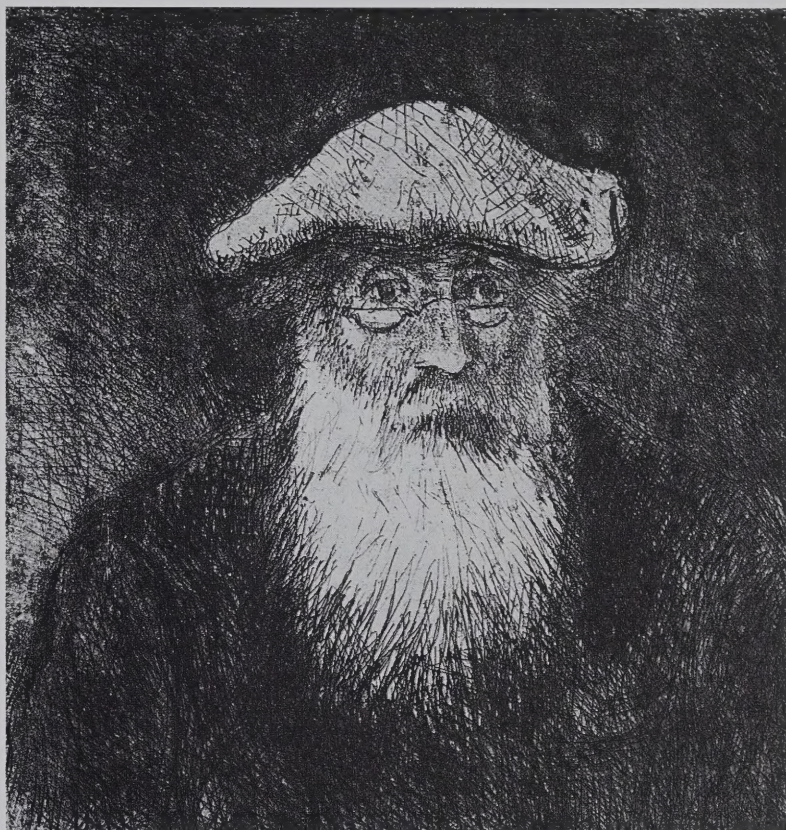


Figure 3. Camille Pissarro, *Self Portrait*, 1890. Etching (Delteil, #90), Second State. Private collection.

It is very much through the tradition of print catalogues raisonnés that the 1939 Pissarro catalogue raisonné was conceived. For the very first catalogue raisonné of Pissarro's work, published in Paris in 1923, was, in fact, a catalogue of his prints. The author was someone very famous among print scholars and curators: Loys Delteil – who had already worked on several other catalogues raisonnés. He was responsible for the cata-

Seven years after the publication of this catalogue of his father's prints, Ludovic conceived what was to become the two-volume catalogue raisonné of his father's paintings. What is fascinating is that Camille Pissarro himself had been thinking about the project of a catalogue raisonné of his prints only a few months before he died in 1903.

He received an interesting letter on 31 March 1903 from his eldest son Lucien, who lived in London and who told him about a project of launching an exhibition of his prints: "...rien ne m'empêchera de faire une exposition de tes eaux-fortes et de la faire coïncider avec la publication du fameux *Catalogue Raisonné*."¹ (Nothing will stop me from organizing an exhibition of your etchings and having this project coincide with the publication of the much discussed *Catalogue Raisonné*.) It may have been much discussed, but it was never mentioned in Pissarro's correspondence up to that point – and so, this reference has so far gone unnoticed among Pissarro scholars. In a letter a few weeks later, the father alluded to the 'catalogue raisonné' project and told his son that he thought it was a great idea, a very practical idea – but that he needed his help (he was much too busy to work on it himself). He ended his letter with the following warning: "You'd better not wait too long!..."

I now want to say a few words about someone who, sadly, is no longer with us, but who has had a critical role in launching the second project of a catalogue raisonné of Pissarro's paintings, and who has had an enormous impact on the recent history of catalogues raisonnés as a genre – and that is Daniel Wildenstein. The forthcoming catalogue owes him a particularly important debt. It owes him

its paternity: Daniel Wildenstein launched the project almost twenty years ago when he asked me to come to the United States to be John Rewald's research assistant for the preparation of a supplement to the Pissarro catalogue.

I had gone to visit Daniel Wildenstein in Paris, not to talk about Pissarro, but to talk about Monet. Fresh out of the Courtauld where I had just finished my degree, my first book project was to write on Monet's paintings of Rouen Cathedral.

After having spent an extraordinary afternoon discussing Monet's cathedrals with him – and he seemed genuinely excited to discuss the details of that rather mad project – we looked at every slide or color photograph he could find on the cathedrals – he promised to help me grapple with this major series by Monet and to help publish every one of the cathedral paintings in color. As I was leaving the door of the Wildenstein Foundation, elated with this initial meeting, he called me back and looked at me for a second, with a stern expression, and a very serious, searching look (which, as I subsequently learned, would often announce a biting joke, or an irresistible trait of humor – but which, at the time, rather terrified me.) He then said: "Why are you wasting your time with Monet?" Totally disconcerted, I searched for a reply, but just mumbled something like: "Pardon me, but I don't understand what you mean." He then said: "Why aren't you

working on the Pissarro catalogue raisonné?" Suspecting that this was some kind of practical joke, but not daring to challenge him, I replied that someone else was working on the supplement of the 1939 catalogue raisonné—which of course, he knew very well. This was John Rewald, of course, who had succeeded Ludovic-Rodo Pissarro after his death to bring the supplement up-to-date.

But Daniel Wildenstein had something different in mind – he told me there and then that he felt that the whole catalogue raisonné was outdated and needed to be redone with different means of research, different methodological criteria, and different aims. He envisioned applying to Pissarro's *oeuvre* the in-depth, searching methods that he had applied to Monet in 1973.

Daniel Wildenstein didn't "revolutionize" the genre of the catalogue raisonné just once, but twice. The first time, he introduced methods of investigation and criteria of thoroughness that were totally unknown at the time for any catalogue raisonné. The second time, 25 years later, he republished his then out-of-print catalogue raisonné on Monet, with a different publisher, Taschen, and with a completely new approach: he kept and updated, of course, the vast archival material and the documentation that he had amassed for the first catalogue raisonné, but, instead of integrating it with the corpus of the catalogue raisonné, he placed it in a separate volume. But the real change in this

¹ *The Letters of Lucien to Camille Pissarro*, ed. Anne Thorold, (Cambridge: Cambridge University Press, 1993), p. 762.

second catalogue raisonné was the introduction of color.

Daniel Wildenstein was personally so involved in the creation of catalogues raisonnés that I think it is probably fair to say that it became a true passion throughout his life – the last magnificent token of which is the Gauguin catalogue raisonné, which has been praised for its extraordinary scholarly achievement by every Gauguin scholar who has reviewed it so far.

Daniel Wildenstein's legacy to the history of the genre of the catalogue raisonné is both daunting and impressive. For people like Claire Durand-Ruel and myself, his accomplishment is both humbling and inspiring.

It is fair to say that his unwavering commitment to support our own project of the Pissarro catalogue raisonné was a constant source of inspiration to us.

It will surprise no one to hear that we have decided to dedicate this book to his memory.

I hope to have demonstrated that, indeed, the Pissarro catalogue raisonné projects have a history – and that this history is inextricably interwoven with the history of other examples of this rather out-

of-the-ordinary genre of art historical literature.

DISCOVERIES

What kind of discoveries does a catalogue raisonné make possible? In the case of Pissarro – to give but a few examples – it has made possible the identi-

cation of landscape sites, such as a Valhermeil landscape that had previously and incorrectly been known as the *Paysage à Chaponval*; it has made possible the redating of works by Pissarro's colleagues, such as Cézanne, whose *Dahlias in a Delft Vase*, previously dated 1873,

should, I believe, more appropriately be dated 1878, in light of a newly discovered, dated work by Pissarro (*Still Life with Dahlias*, 1878). It gave new meaning to a known Pissarro drawing of Pontoise c.1866, when we discovered his painting of the same site, done in 1867.

In the course of researching the catalogue raisonné, we made major discoveries about Pissarro's early career. Previously, his pre-Paris years were known for his draftsmanship, but we learned that he was already a fully trained painter before he left Caracas and St. Thomas, as evidenced in

this small view of St. Thomas dated 1854 (Fig. 4). He arrived in Paris with something like a career already in place. When we compare the St. Thomas paintings of the 1850s with his landscapes of the 1870s, we see an extraordinary transition, which helps us better understand his paintings of the 1860s, such as this *Walkpath with*



Figure 4. Camille Pissarro, *Tempête à Saint-Thomas (Antilles)*, 1854. Oil on canvas, 26 cm x 35 cm.



Figure 5. *Promenade sur un chemin bordé d'arbres*, La Varenne Saint-Hilaire. Oil on canvas, 55.9 cm x 45.7 cm; signed and dated on the lower left: "C. Pissarro. 1864." Baltimore Museum of Art, George A. Lucas Collection.

"The 1939 catalogue included 1,316 paintings by the artist... the new catalogue will include 1,500..."



Figure 6. *Battersea Bridge, Chelsea, London*. Oil on canvas, 59.7 cm x 72.4 cm; signed and dated on the lower left: "C. Pissarro. 1890." Private collection.

Trees of 1864 (Fig. 5) in the Baltimore Museum of Art. Pissarro's paintings of the 1860s are his least well known, and we've discovered a significant number of them in doing the catalogue raisonné.

We've also gained insight to his pre-Impressionist paintings of the early 1870s. Something strange happens to him in 1870 – a kind of boldness takes hold of him. It's perhaps best seen in his treatment of space, in his breaking down and reconstruction of perspectival gaze that Pissarro becomes suddenly radical, as can be seen in his *June Morning* of 1873 (now in Karlsruhe), or in his *Barges on the Seine*, Bougival, 1871 (private coll.).

Pissarro acts like a stage designer in front of his paintings, in which not only humans (e.g., *Farmers working in Haymaking*, c.1885, private coll.), but objects and

reflections of objects, even shadows of objects (as in *Landscape near Eragny* of 1889, MFA Boston), acquire a key status.

Trees are selected to play a compositional role, either in isolation, in small groups, or in whole rows (such as *The City Garden, Pontoise*, 1874, Metropolitan Museum).

We see an ongoing fascination for the rhythm of lines – which acquire a quasi-abstract, or musical undertone, as in a late *Landscape of Varengeville*, c.1899, (private coll.) where the straight linear order of a tall row of trees begins to echo the way trees are lined up in urban spaces, in order to frame the avenues.

The same fascination for order, rhythm, repetition orients Pissarro's pictorial imagination toward urban, industrial spaces. Bridges and railways teem in his late paintings, such as *Battersea*

Bridge, Chelsea, London, 1890, private coll. (Fig. 6).

You could coin a term for Pissarro: as opposed to pantheism (whereby one notes the presence of god in every detail of reality), Pissarro saw reality as pan-graphic (everything was worthy of being drawn or painted). This is perhaps where Pissarro's most radical originality lies. There is a kind of Flaubertian principle of devouring everything for and through one's art that underpins Pissarro's *oeuvre*: everything is good enough – a principle with a very long life, because, as I have claimed elsewhere, this is literally the creative principle retained by quite a few of the second generation of the New York School painters. Rauschenberg, for instance, proudly claimed that when he used to live and work in New York the sidewalks were much cleaner – because he would use every piece of trash he could find to recycle it through his art. Both artists manifest the same principle, though, of course, through different means and media: cramming in as much of reality as they possibly could on their canvases.

There is a big difference, however: for Pissarro, there is an underlying belief that the whole of reality forms a cosmos – forms a harmonious unit that is in keeping with itself – and that this cosmos is not to be imitated (in the way Salon artists used to do), but it is to be emulated through and in his art. A certain utopian vision of the world goes hand in hand in Pissarro's

Weltanschauung. This belief in a panharmonic essence of the world he depicts is explicitly visible through the fabric – I would say, through the makeup of every square inch – of Pissarro's pictorial practice. This practice was governed, at heart, by a profound, abiding interest in harmony – in seeking unity throughout his entire *oeuvre*, and through each individual work

Let us follow Pissarro's methodic user's guide: "I can see only patches. When I start off a painting, the first thing I strive to catch is its harmonic form [l'accord]. Between that sky and that ground and that water there is necessarily a link. It can only be a set of harmonies [relation d'accords], and this is the ultimate hardship in painting."

CONCLUSION

It is interesting to wonder what the impact of these newly discovered works will have on the readers – the consumers – of the new catalogue raisonné. One way to answer this daunting question is to say: "Let's imagine, for a moment, that all of the pictures that I have shown you would have been lost." What would their loss have taken away from Pissarro as an artist – as one of the major contributors to the Impressionist idiom? For one thing, the works have allowed us to look closer at Pissarro's art. They invite us into the flesh of his art. I think these pictures show us two paradoxical things about Pissarro:

1. They show us the extraordinary degree of cohesion within Pissarro's artistic world. And I would like to add that tonight we have only seen the tip of the iceberg. First of all, we have only just spoken about paintings per se. Pissarro was five times more prolific as a draftsman than as a painter. He was also a major printmaker.

2. They also show us the abiding complexity of Pissarro's practice. As a true modern artist, Pissarro holds a great ideological debt to the German Romantics. Namely, to Friedrich Schlegel, who once compared the work of art to nature – not in the sense that a work of art should imitate nature, but that it should function like nature – like a self-sufficient, autonomous reality with its own mechanical principles.

Matisse remembered almost word for word an early enlightening conversation with Pissarro, which he eventually repeated to his son Pierre Matisse:²

[PISSARRO]: "*Cézanne is not an Impressionist because all his life he has been painting the same picture.*" (Matisse here explained that Pissarro was referring to the "bathers" picture which Cézanne repeated so obsessively, pursuing and developing the same qualities of composition, light, etc.) "*He has never painted sunlight, he always paints grey weather.*"

[MATISSE]: "*What is an Impressionist?*"

[PISSARRO]: "*An Impressionist is a painter who never paints the same picture, who always paints a new picture.*"

[MATISSE]: "*Who is a typical Impressionist?*"

[PISSARRO]: "*Sisley.*"

Then, thinking of Pissarro's words, Matisse added:

"*A Cézanne is a moment of the artist while a Sisley is a moment of nature.*"

Where does Pissarro stand in this equation?

I would like to conclude by picking up on Matisse's own words. What I believe the new catalogue raisonné shows us is that Pissarro – full-fledged modern artist that he was – attempted to reconcile these two great visions: bringing together the depiction of each separate moment of nature, while never forgetting that each moment of nature corresponds to a pulsation, to a moment in the artist's life. This is a lesson that Matisse himself absorbed from his early conversations with the aging Pissarro and that he would take very far.

² Alfred H. Barr. *Matisse: His Art and His Public*, Museum of Modern Art, New York, 1951, p. 38.

PISSARRO AND DURAND-RUEL

∞ CLAIRE DURAND-RUEL SNOLLAERTS*

My great-great grandfather Paul Durand-Ruel (Fig. 1) met Camille Pissarro in 1871 in London, where both of them had taken refuge after escaping the German invasion of Paris during the Franco-Prussian War. Pissarro walked into the London gallery at a time the dealer was away. The next day, Paul Durand-Ruel sent him his first letter saying: "Dear Sir, you have brought me a charming picture, and I regret not to have been present in my gallery in order to congratulate you when you came. Please let me know the price you would like and be kind enough to send me more pictures as soon as you are able to. I should sell a lot of your pictures here."¹ Paul Durand-Ruel was 42 and was already an established dealer of

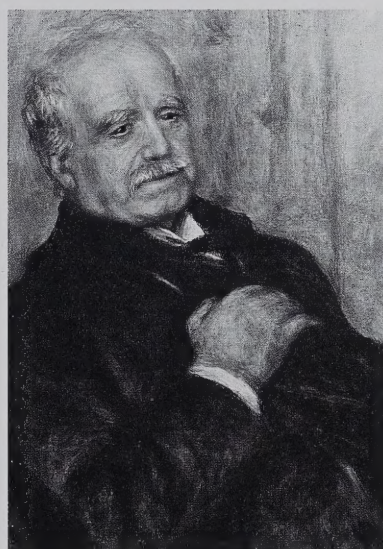


Figure 1. Auguste Renoir, *Portrait of Paul Durand-Ruel*. Durand-Ruel Archives.

the Barbizon School. Pissarro was 41 and had no steady dealer. Their relationship lasted 32 years, until the artist's death in 1903. Paul Durand-Ruel was not only his dealer but also his financier, adviser, and confidant, despite

their relationship's many ups and downs. Their relationship was not governed by a written agreement. The dealer had firsthand choice of the works in the artist's atelier and, in exchange, provided him with all his needs: not only gave him money for the paintings, but also paid many other private bills and expenses – painting supplies, rent, doctors, children's expenses, tailor, grocer, and so on. Pissarro had a large family, seven children, and so was always in need of money. Sometimes, tired by their excessive expenses, he would remind them: "If Durand-Ruel let me down, what would you do?"² remarking with sorrow and fatigue during the most difficult times, "We are lacking dealers, there is no one but Durand-Ruel!"³

*Claire Durand-Ruel Snollaerts is the great-great granddaughter of Paul Durand Ruel and has spent the past nine years as the primary researcher on the Camille Pissarro Catalogue Raisonné.

¹Letter of Paul Durand-Ruel to Camille Pissarro, 21 January 1871 (Durand-Ruel Archives).

²Janine Bailly-Herzberg: *Correspondance de Camille Pissarro – vol. IV (1895-1898)*, Paris, éd. du Valhermeil, 1989, letter number 1549.



Figure 2. Camille Pissarro, *L'Avenue de Sydenham, Londres*, 1871. Oil on canvas. National Gallery, London. One of the first two works by Pissarro purchased by Durand-Ruel.

The first works bought by Durand-Ruel from Pissarro in 1871 were two London views (Fig. 2). Between 1871 and 1874, Paul Durand-Ruel bought 54 paintings, of which 36 came directly from the artist (the others were bought either at public sales or from private collectors or dealers). He succeeded in selling 22 works, but at very, very low prices. In order to promote his painters, Durand-Ruel published, between 1873 and 1875, a book of 300 prints representative of the most beautiful works in his gallery stock. There were works by Delacroix, Corot, Millet, Théodore Rousseau, Courbet and also the new generation of Impressionist painters: Manet, Monet, Sisley, Degas, and Pissarro, who was represented by five works. Durand-Ruel also

showed many works by Pissarro in numerous exhibitions in France and abroad.

THE IMPRESSIONIST EXHIBITIONS

In 1874 the First Impressionist Exhibition took place. Pissarro showed five paintings (Fig. 3). He was the only Impressionist painter to participate in all the eight Impressionist shows between 1874 and 1886. Unfortunately, the new Impressionist school was very badly received by the public, and Durand-Ruel, who had already put a lot of money and energy into buying Impressionist works, faced a severe financial crisis. He had to interrupt his acquisition of Pissarro's works between 1875 and 1879. In his *Memoirs*, Paul Durand-Ruel explained that his difficulties began with the appearance in the press of incredibly hostile and violent articles about the paintings of

Monet, Sisley, Pissarro, Renoir, and Degas, whose paintings he had just begun to exhibit. He found himself guilty of presenting and daring to defend such works. "I was treated as mad and a man of ill will," he wrote. "Little by little, the confidence that I had come to inspire disappeared and I became suspect to my best clients [...] the numerous masterpieces of our greatest painters that were in my possession didn't make me find favor in the eyes of the public and especially not with those whose taste, it appeared, I had offended and whose interests I had ill served."⁴

In 1880, with the financial support of the Bank de l'Union Générale, Durand-Ruel was able to pursue his acquisitions again.

Between 1881 and 1882, he bought 60 works by Pissarro, 47 of which came from the artist, but he sold only eight. In 1881, Pissarro wrote to his niece Esther Isaacson: "Durand-Ruel, one of the most famous dealers in Paris, came to see me and took a large number of oils and watercolors. He wants to take all my new work. This brings peace for a little while and a good way to concentrate on important works."⁵ Unfortunately, the Bank de l'Union Générale went bankrupt in 1882, and Durand-Ruel was

³ Bailly-Herzberg, vol. IV, 1989, letter number 1121.

⁴ "Mémoires de 'Paul Durand-Ruel' in: Lionello Venturi, *Les Archives de l'impressionisme*, II, Paris/New York, Durand-Ruel, 1939, pp. 197-198.

⁵ Janine Bailly-Herzberg: *Correspondance de Camille Pissarro - vol. I (1865-1885)*, Paris, Presses Universitaires de France, 1980, letter number 84.



Figure 3. Camille Pissarro, *Jardin de la ville, Pontoise*, 1873. Oil on canvas, 59.5 x 73.3 cm. Inv. No. ZKR-517. The State Hermitage Museum, Saint Petersburg. Exhibited at the First Impressionist Exhibition in 1874.

ruined again. He survived with many difficulties until 1886 and was unable to support his painters any longer.

Despite his difficulties, Durand-Ruel refused to let down his new protégés and decided, since he did not have much money to support them financially, to organize a series of individual exhibitions: exhibitions didn't cost him too much money and it was a good way to keep promoting their work. Pissarro's exhibition took place in May 1883 with 70 works. Yet, at the same time, Pissarro wrote to his friend Claude Monet: "Durand-Ruel is very active, does his best to put us forward . . . how long is this going to last? I hear the other dealers and amateurs saying 'he only has eight days left,' but this has gone on for

months, let's hope this is just a bad passage."⁶ Pissarro's position at that time was very difficult, the dealer was only able to give him very little money. Durand-Ruel did not interrupt his acquisitions, but the prices he offered were very low, and he did not sell any works from his stock.

Sometimes Pissarro could do little to hide his despair: "I have such difficulty making money. Business is going badly. I'm at my wit's end. I see myself having to sell at all costs because I receive letter after letter from my wife revealing all her distress. Sell! That's easy to say, to whom? I'm losing my head!"⁷ . . . Durand-Ruel can do little more for us!"⁸ The dealer for his part

⁶ Bailly-Herzberg, *vol. I*, 1980, letter number 158.

⁷ Bailly-Herzberg, *vol. I*, 1980, letter number 235.

tried his hardest to reassure Pissarro that he would get paid, citing the evasiveness of the dealer's several creditors. Still payment, he promised, would come in the next day or two.

THE U.S. MARKET

Faced with an extremely difficult French and European market, Durand-Ruel decided to look for new markets abroad and turned towards the U.S. In 1886, the dealer had the opportunity to bring many paintings to New York exempt from customs duties and organized a very large exhibition on the premises of the American Art Galleries, Madison Square South. He actually travelled with the paintings himself on a ship, bringing 289 works in large trunks, among which 40 works were by Pissarro. At that time, this was a very bold and innovative move by a French dealer, the American market being quite new and unknown. It was also the first time an Impressionist exhibition received good reviews from the public (12 years separated this show from the First Impressionist Exhibition in 1874), and even if the sales were not important, Durand-Ruel decided from then on to concentrate all his financial efforts on the U.S. and opened a gallery in New York in 1888. It was thanks to American collectors that Durand-Ruel and the Impressionist painters found success. So many of the masterpieces actually hanging in major American muse-

⁸ Bailly-Herzberg, *vol. I*, 1980, letter number 238.

ums were acquired at a time when nobody wanted them in Europe.

COMPETING DEALERS

However, Pissarro wasn't earning enough money to support his large family, and, facing more and more difficulties, he decided to look for new dealers: he turned toward Theo Van Gogh, Vincent Van Gogh's brother, and Georges Petit, among others. This attitude did not please

Durand-Ruel at all. He was very possessive with his painters and did not like to be betrayed. The proof of that can be seen in an incident related by Pissarro to his son Lucien in the following letter :

[PISSARRO]: *Yesterday Durand-Ruel took me aside and asked me if I had taken paintings to Van Gogh. "Yes," I replied.*

[DURAND-RUEL]: *"You shouldn't have taken paintings to this devil of a man. Why didn't you bring them to me?"*

[PISSARRO]: *"Because you have plenty and you can't sell them for me right away."*

[DURAND-RUEL]: *"Bring them to me and don't you do any business with Van Gogh because as long as he's got paintings from you this does me wrong and stops me from selling."*

[PISSARRO]: *"Look, Mr Durand-Ruel, you are not selling my work."*

[DURAND-RUEL]: *"Yes I am, I sold some in America."*

Oh if I had money, what a bother. You do understand that I cannot follow Durand-Ruel's advice, prudence itself shows me that if I take everything to Durand-Ruel, when he lets me down, as has happened, I will have no way out, I will find



Figure 4. Camille Pissarro, *Still Life with Apples and Pitcher*, c.1870, oil on canvas. Metropolitan Museum of Art, Purchase, Mr. and Mrs. Richard J. Bernhard Gift, By Exchange, 1983. (1983.166) One of 12 Pissarros purchased by Erwin Davis.

myself locked in a citadel, at the mercy of Durand-Ruel; decent man that he is, he will only do what he can as usual. Also I told him honestly that Van Gogh has sold some of my new paintings and finds them very good, defending them with intelligence. I can't take back what I gave him, but this won't stop me, I added, from showing you what I have.

In 1888, Durand-Ruel resumed his acquisitions: thirty-two paintings, among which twenty-nine were

from the artist, and he succeeded in selling thirty, most of them to American collectors. The main ones were Catholina Lambert and Erwin Davis, who bought 12 works each (Fig. 4).

In 1890, Theo Van Gogh, who was also fighting hard to sell Pissarro's pictures, turned mad after the suicide of his brother Vincent, and Durand-Ruel became again the unique dealer of the artist. This

subordination did not please Pissarro, who often complained about being under total control of the dealer. Also, Durand-Ruel was not fond of Pissarro's pointillist style and was very open about that. However, the dealer kept trying hard to support the prices of Pissarro's paintings, sustaining the prices when the paintings appeared at public auctions.

To his great surprise, Durand-Ruel told Pissarro one day that, rumors to the contrary, he continued to be an ardent champion of his work. Indeed, with the recent death of Pissarro's other current dealer, Theo Van Gogh (in January 1891), he looked forward to being his exclusive representative in the future. While others painters started to be famous – Monet was selling his *Haystacks* for 3,000 to 4,000 francs apiece – a painting

⁹Janine Bailly-Herzberg : *Correspondance de Camille Pissarro – vol. II (1886-1890)*, Paris, éd. du Valhermeil, 1986, letter number 496.

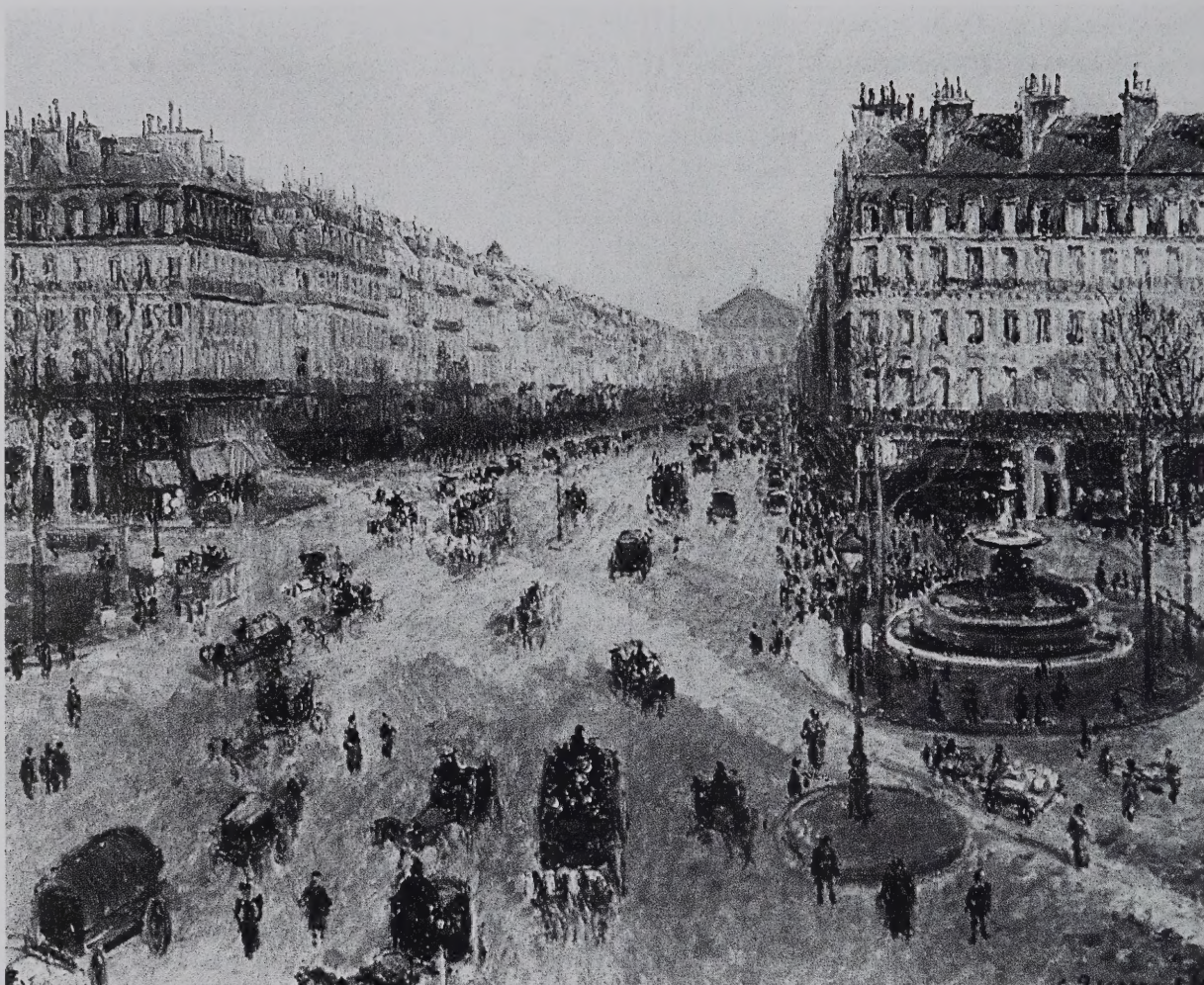


Figure 5. Camille Pissarro, *Place du Théâtre Français et avenue de l'Opéra soleil d'hiver*, 1898, oil on canvas. Musée des Beaux-Arts, Reims. Photo: C. Devleeschauwer © Musée des Beaux-Arts de la Ville de Reims.

by Pissarro, when it could sell, was reaching 1,000 francs with difficulty.

THE FINAL YEARS

It is only in 1892, when Durand-Ruel organized the second large monographic show of Pissarro that the artist finally reached, at the age of 62, fame and a good quality of life, which he retained until his death eleven years later. During the 1892 exhibition, eight paintings out of fifty exhibited were sold, among which three

were lent by Pissarro. For the first time, Durand-Ruel bought back from the artist at the end of the show the remaining 10 works he had lent and had not sold. This new income allowed Pissarro to buy his house at Eragny. In 1892, Durand-Ruel bought fifty-nine paintings by Pissarro, thirty-two of which he bought from the artist, and he sold twenty-six of them, of which eight were sold to Potter Palmer, from Chicago. It was a good year for both the artist and the dealer.

Two years later, the new Pissarro monographic show was highly praised by the public, but no one bought any work. Moreover, Pissarro had to go into exile in Belgium because of his anarchist ideas, and the paintings he brought back did not please the dealer. According to Durand-Ruel, these did not show any of the features particular to Holland [sic]. Therefore, business slowed down once more. Pissarro was really upset when he found out that while he had sold twenty-three paintings to Durand-Ruel for a

total of 19,000 francs, his friend Monet was selling his *Cathedrals* for 15,000 francs *apiece*.

In 1897, the sale of the collection of the jeweller Henri Véver took place at the Hôtel Drouot. Two paintings by Pissarro were presented. Durand-Ruel bought both of them for a total of 1,850 francs, a very low amount in comparison with a work by Monet at the same sale which reached 21,000 francs. A Degas went for 10,000 francs, and a Sisley for 2,500 francs. Pissarro was totally depressed. Also, in 1897, Durand-Ruel organized the first monographic Pissarro show in New York. Only two paintings out of thirty-seven were sold. That year, Durand-Ruel bought twenty-eight paintings, twenty-five directly from Pissarro. He sold only eight of them.

In 1898, Durand-Ruel organized a new exhibition with twenty-eight works, twelve of which were views of the *avenue de l'Opéra* (Fig. 5). Unfortunately, this show had no commercial success. The same year, Durand-Ruel bought thirty paintings, twenty-three from Pissarro, but he sold only two.

Fortunately, the year after, at last, prices went up. Durand-Ruel very much enjoyed the views of the *Tuileries Gardens* and started to ask 3,000 francs for the largest works. Also, a view of the *Tuileries Gardens* reached 4,800 francs at the auction sale organized after Alfred Sisley's death. Pissarro was very pleased. Business was also going well for Durand-Ruel: he bought

thirty-eight paintings from various owners and sold twenty-three of them.

In 1900, encouraged by the success of the past year and very optimistic by his sales, Pissarro painted 14 new views of the *Tuileries Gardens*, among which nine were immediately bought by the dealer. Durand-Ruel acquired in total thirty paintings by Pissarro, among which nineteen came directly from the artist, and he sold twenty-two works.

In 1901, business was going so well that Pissarro decided to break the tacit agreement he had with Durand-Ruel and walked into the Bernheim-Jeune gallery. He wanted Durand-Ruel to be in competition with other dealers. In May he wrote to Durand-Ruel: "I am still intending to take back my complete liberty concerning the selling of my works."¹⁰ But this tactic did not work. The dealer reacted at once: even if he kept buying Pissarro's works at high prices, he only bought two paintings from the artist in 1902. And instead of being in competition with Bernheim-Jeune as the artist had expected, the two Parisian dealers worked together. They both refused in 1903 the high prices requested by the artist for his last works. Pissarro remained alone.

Durand-Ruel was still buying Pissarro's works but none from the artist. Their relationship totally broke in 1903, Pissarro dying a few months later. However, after Pissarro's death, in November 1903, Durand-Ruel was the only dealer to pay homage to him by presenting in his gallery, in 1904, a gigantic retrospective of his finest paintings: 134 oils, forty-three gouaches and pastels, and seven prints.

During Pissarro's lifetime, Durand-Ruel bought 612 paintings, that is to say, more than one third of the total production of the artist. He sold 242 of them. Those numbers are impressive. Durand-Ruel had cared for Pissarro, the man and his work.

I will conclude my talk with a beautiful quotation of Paul Durand-Ruel: "The paradise I believe in, I always imagined it through the gentleness of a landscape of Corot or Camille Pissarro."¹¹



¹⁰ Janine Bailly-Herzberg : *Correspondance de Camille Pissarro – vol. V (1899-1903)*, Saint-Ouen-l'Aumône, éd. du Valhermeil, 1991, letter number 1818.

¹¹ Georges Lecomte, *Ma traversée*, Paris, Robert Laffont, 1949, cité p. 139.

CAMILLE PISSARRO: THE NEW CATALOGUE RAISONNÉ

Q&A

Q Joachim, you made reference to about two hundred works that are being added to the new catalogue. I'm curious how many were taken out from the previous catalogue and how you went about the elimination process?

A **JOACHIM PISSARRO (JP):** The answer is very simple. No paintings were taken out of the 1939 catalogue. John Rewald's work obviously was very seminal. He questioned two paintings in the first catalogue, one in the Indianapolis Museum and the other in a collection in Japan. We found through Claire's diligent research, however, that one of them had been shown at the 1905 Grafton Gallery show that was organized by Paul Durand-Ruel. Other material from the Durand-Ruel Archives cleared the second work.

Pissarro is very surprising and very complex as well. That's what I was trying to give a sense of

tonight. Pissarro was Gauguin's teacher for a while even though the two split up and ended up in rather sore terms. At one point, Gauguin felt a debt to Pissarro, and he tried to defend his mentor, his erstwhile teacher, against a typical accusation, namely, that Pissarro picks up on everything he sees; he's like a chameleon. Gauguin said he may be doing what everybody else is doing, but what the others are forgetting to say is that everybody's been looking at him [Pissarro] and likewise borrowing from him in the same way. So this is just to say that Pissarro has many different styles. He jumps from Impressionism into Neo-Impressionism, from the pan into the fire. He just moves back and forth and Claire has explained the problems a dealer has to keep up with this kind of challenging style. This explains in a way Rewald's surprise with the two works I mentioned, which are somewhat atypical. But to have

only two in a catalogue that create a doubt is remarkable. Zero out is, I think, probably unheard of.

Q Are catalogues of Pissarro's drawings and prints in the works?

A **JP:** The drawings are the next stage. Incidentally, just to pick up on the previous question and to give you a sense of what the 1939 catalogue contained, Ludovic-Rodo Pissarro had included not only the paintings, but gouaches, pastels, and the paintings on ceramics. No watercolors and no drawings, so the question of the drawings and the watercolors was always left aside. I've been working quietly with Christopher Lloyd on archiving many of these separately, but all of us at the Wildenstein Institute are due to discuss what the future will be. As far as the prints catalogue raisonné that's a major question. Barbara Shapiro at the Museum of

Fine Arts, Boston has quietly been working on a complete update of the Delteil catalogue. This is not just an update: she has included what every print collector and curator likes to see, which is not just each print, but each state, and sometimes even each proof of each state, so this is going to be a major, major work.

Q I'll ask the unasked half of the earlier question. Can you generalize about where you found the two hundred or more additional Pissarroes that were previously unknown?

A JP: It's a great question, and I alluded to this in my talk. The so-called supplement stage of a catalogue raisonné begins two weeks, if you're lucky, after the publication date of the catalogue raisonné. It's the typical story of the nice lady who calls you and says, "I have your catalogue on my lap, and I'm surprised that you don't include any of the three paintings that I have by the artist." That begins the supplement. And so the Pissarro supplement was essentially begun in 1939 during World War II. Ludovic-Rodo died in 1952, and he had begun to amass what he was projecting as the supplement. He bequeathed those files to John Rewald, and so the work that I mentioned that Daniel Wildenstein sent me to do was to assist John Rewald in the updating of and the collecting of more information for the supplement. By that point, John Rewald probably had about one hundred and fifty

"To have only two in a catalogue that create a doubt is remarkable. Zero out is, I think, probably unheard of."

additional works, so within almost twenty years, we have collated the rest, between fifty and one hundred works. They come from everywhere. It may be chance. It's often chance – at auction houses. I see that several members of the auction houses are with us tonight. Without them, there would be no catalogue raisonné. But it's a very complex situation. Of course there's also the fact that we both looked very systematically in every archive that we could find at every dealer, or past dealer – Knoedler, Rosenberg, everyone's been absolutely, wonderfully generous. Even so, often surprisingly, works fell between the cracks.

SHARON FLESCHER: Since John Rewald's name has been mentioned many times, I think I should say that he was one of the founders of IFAR, which at that time was known only by its full title, the International Foundation for Art Research.

Q Will the entries of the new Pissarro catalogue be as iconographically and iconologically probing as the entries for the new Gauguin catalogue raisonné?

A JP: As I mentioned, the Gauguin catalogue is a very humbling project. It is an

extraordinary catalogue raisonné that sets new criteria, new definitions. We certainly have not economized or spared any effort going in that direction, in terms of the references, the provenance, history of ownership, history of exhibitions, and history of literature – the three major items. We've really done exhaustive groundwork. What is singularly different about the Gauguin catalogue, however, is that you sense that the information is bulging out, it's cracking the seams, they don't know how to fit it all in. Marie-Christine Maufus, who is the head of the Wildenstein Institute's publications and who's with us tonight, was discussing that very point this morning. She described how they had the idea to create a layout that is unique to that catalogue whereby you have little dossiers on a page -- sudden separations from the rest of the text – such as one that addresses the problem of frames, a very important problem that Gauguin addresses throughout his letters but is never discussed in relationship to his paintings, and you have it discussed right in the catalogue raisonné with new archival elements. So I think the Gauguin catalogue raisonné is spectacular.

Q What is interesting in the pairing of you and Claire Durand-

Ruel is that you have absolute access to the richest archives on Pissarro. In other words, you have the family archives of both the Pissarro family and the Durand-Ruel family. I can't wait to see what you're going to produce.

A JP: We can't wait either.

Q How many of the Pissarro entries in the new catalogue have gaps in provenance during the World War II period?

A JP: We haven't had many, and we've been extremely meticulous about that particular period. We've had to answer tons of letters from every museum for, as you know, especially in this country, every museum curator has been under pressure to check the provenance, the history of their work during that period. But as far as Pissarro is concerned, we've had less than a handful of cases.

Q Pissarro is an Impressionist; he's a visual artist, interested in light, color, formal concerns, and paint, and yet he was an intensely political person, we know. So I have two related questions: Are there any references in the archives or in his correspondence which give political significance to the content of specific paintings? And also, does he comment on this dichotomy in his own life and maybe on the inappropriateness of using painting as a vehicle to express his political views?

A JP: That's a very big question. I cannot do justice to it. It's been the subject of books and dissertations. I'd like to refer you to a great book with one chapter that addresses this question better than others do. It is T.J. Clark's *Farewell to an Idea*, Yale University Press, 1999. Yours is a wonderful question, although I would not phrase it the way you did. I was maybe extreme when I wrote my monograph in 1993, and I would qualify this somewhat, but I still don't think that Pissarro used his paintings, as you seem to indicate, toward political ends. On the other hand, I think you are definitely on to something. I think he saw no contradiction between the fact that he was painting apple trees and a woman tending cows and that he was also a profoundly dedicated anarchist. There are anarchistic periodicals that he was subscribing to and sending to some of his collector friends who were not exactly of the same political color, and they would think, "Has Pissarro lost his mind?" We sense a naive utopian approach. His anarchy was the embodiment of a dream, a sense of harmony was really key here, a sense of individual freedom. . . . But as I say, it's a huge question. Robert Herbert has written on this. You will find a lot of interesting stuff. Look at T. J. Clark's book, it's a great book.

Q Catalogue raisonné scholars now have opportunities because this is a digital age, an age of computers. To what extent has technology aided you in the

preparation and assembly of the catalogue raisonné?

A JP: I think that's a slightly premature question. I wish you would ask the question fifteen years from now. We're definitely beginning to think about the whole realm of technology, but it's very much the early days. Someone within the Wildenstein Institute is working on a project like this, it's an important project, but it is something that will probably not come to fruition I would imagine for a decade or so.



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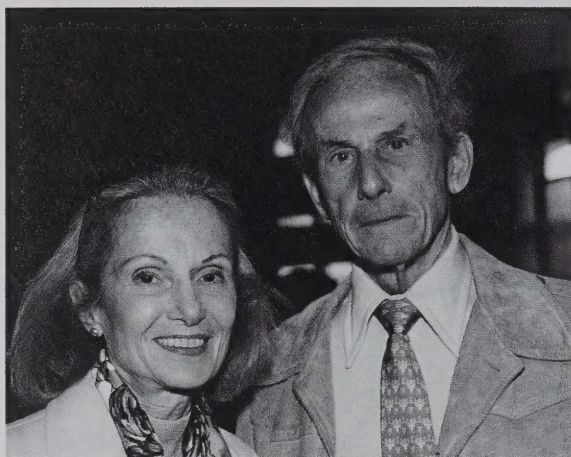
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AN *IFAR EVENING*
ON THE
CAMILLE PISSARRO
CATALOGUE RAISONNÉ



Fred Truslow



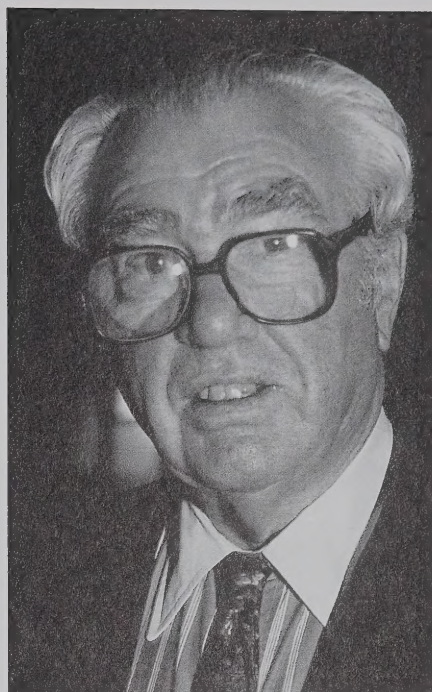
Mary King and Claire Durand-Ruel Snollaerts



Ay Whang-Hsia and Marie-Christine Maufus



Elaine Rosenberg and Michael Rubenstein



Henry Luce III



Left to right: Matthew, Ellen, and Dr. Harold Bruck



Nancy Mathews and Carol Tabler



Mimi Stafford

CULTURAL TRAGEDY IN IRAQ: A REPORT ON THE LOOTING OF MUSEUMS, ARCHIVES, AND SITES

∞ MCGUIRE GIBSON*



Figure 1. Statues from Hatra in the Iraq Museum, right one damaged by looters in failed attempt to break off head.

Ancient Mesopotamia, although older and more important than Egypt as the originator of civilization, has a much lower public profile. Lacking the plentiful stone that characterizes Egypt, Mesopotamia essentially built in clay. Mudbrick and baked brick buildings of great sophistication just do not last as long or look as impressive as stone ones. Even the stone-built capitals of the Assyrian kings, such as Nineveh, are preserved much less well than the monuments of Egypt. Yet Mesopotamia had a tremendously strong cultural tradition that lasted from at least 5000 B.C. until the early centuries after Christ. As the home of the Sumerians and Akkadians, later the Babylonians and Assyrians, Mesopotamia laid the foundation for all later civilizations, giving us basic concepts of government, religion, literature, and art. Later, under the Abbasid caliphs, Iraq was for a while the center of an empire that stretched from Central Asia to Spain. The material culture of Mesopotamia, and

of its successor, Iraq, is therefore of major importance.

“The National Museum is the main repository of archaeological artifacts in Iraq, being derived from the hundreds of excavations that have been carried out in the country since 1923.”

The creation at about 3400 B. C. of the first writing system (pictographs and later cuneiform characters inscribed on clay) gave Mesopotamia a vehicle for the transmission of myths, epics, poems, and other genres of information that is the most permanent one

* McGuire Gibson, Ph.D., is Professor of Mesopotamian Archaeology at the Oriental Institute, University of Chicago.

ever invented. Unbaked clay tablets written thousands of years ago if taken from the ground today can be read fairly easily. If left in the ground, they would last for thousands of years more. In Mesopotamia texts and objects are intricately associated since either category can be used to date or to elucidate the other. The artistic masterpieces and the more mundane artifacts of Mesopotamia have been in the headlines for months, even before the start of the recent war against Iraq. A number of scholars and organizations were warning of the potential damage to Iraq's and the world's cultural heritage if war swept over Iraq. We foresaw the probability of looting of museums and other cultural institutions if there were any period of chaos in the transfer of power. Iraq's National Museum is the main repository of archaeological artifacts in Iraq, being derived from the hundreds of excavations that have been carried out in the country since 1923. The museum also incorporates a Heritage Section that collects objects of the recent centuries, from architectural ornament to lamps, containers, and costumes. The museum also owned thousands of Islamic, Christian, and Jewish manuscripts.

The feared period of chaos did occur, and the media presented most vividly the looting of the Iraq National Museum that took place from April 10 to 12, 2003. (Figs. 1 and 2) The global reaction to the images was an outpouring of concern and even anger that the looting was allowed to occur while U. S. troops were nearby. But the looting was not confined to this one complex. Not given as much media attention was the looting and burning of the Iraq National Library and Archives and a famous Koran Library, as well as the looting of the Mosul Museum. There was also looting and destruction of artworks in the Museum of Fine Art in Baghdad, and the destruction of libraries in universities around the country. Fine art departments and institutes, as well as private art galleries were destroyed. There were initial reports of the loss of the holdings of the Saddam Center for Manuscripts, a division of the State Organization of Antiquities and Heritage, but later it was learned that although the building was ransacked, the collection of almost 40,000 manuscripts had been hidden in an underground air-raid shelter somewhere in Baghdad.



Figure 2. Safe in the conservation lab of the Iraq Museum, broken into by looters. Photo: McGuire Gibson.

EARLY REPORTS

Early reports of the losses from the Iraq National Museum were inaccurate since they were based on inadequate information. They started with the first footage and photographs of looters still in the museum's public galleries while personnel from the Antiquities organization were seeing the wreckage of the museum for the first time. One of the most telling pictures was of a woman hitting her head and wailing that everything was gone. When pressed by reporters on how many objects were in the museum, one of the staff said "170,000." Thus, that number became a fact. Scholars abroad, including myself, refrained from giving a figure for losses, since behind the wailing woman you could see some large objects still standing and in one photograph of a looted storeroom, pottery and other objects were clearly visible on the shelves. Obviously, not everything was missing. But the looters had had three days to take what they wished from the museum, so a very high number was possible. Potentially, the figure of 170,000 items was realistic. Those who know the museum well realized that there are far more than 170,000 items in its storerooms. That figure does not represent the number of items in the collections but only the number of Iraq Museum (IM) numbers that have been given out since 1923. Many IM numbers are, in fact, for single objects, but some numbers can include several or even dozens of

"Not given as much media attention was the looting and burning of the Iraq National Library and Archives and a famous Koran Library, as well as the looting of the Mosul Museum."

objects of the same type found together, with sub-numbers such as a, b, c, etc. There are also many artifacts in the "Study Collection" made up of artifacts from archaeological excavations that the museum staff has decided are not likely ever to be exhibited, although many are significant for a variety of reasons. These items are stored by site and by year of excavation, under the field numbers assigned by the excavators, rather than by IM numbers. And there were several metal trunks filled with objects that had been brought from Iraqi excavations just before the war. The museum did not have time to register these items, but put the trunks in one of the storerooms, where they were ransacked. We do not know, at present, how many of the stolen objects came from the trunks.

Not being able to make contact with Baghdad, the international scholarly community could only judge the damage to cultural heritage by sifting through the media reports, hoping for a bit of real information in interviews with one of the Antiquities officials. Those of us familiar with the museum could see things in media pictures that others would not, so we could make a more informed judgment.

"No foreign scholar who has done research in the museum believes any of the allegations against the present staff."

In late April, Dr. Donny George came to a meeting I attended in the British Museum to give the first eyewitness account of the events related to the looting of the museum. He made it clear that until a generator was repaired, the lack of electricity in the complex made it impossible to gauge the losses. Even flashlights were not available, so it was impossible to view the storerooms, and besides, museum experts abroad were advising the Iraqis not to enter the looted rooms until conservators were present to deal with the hundreds of broken items.

Details of the looting of the museum have been published with differing degrees of accuracy, but the essential facts are as follows. When the U.S. troops entered Baghdad, most of the contingent of 25 or so guards assigned to the museum left their posts. On April 8, only Dr. George, Dr. Jabber Khalil Ibrahim (President of the State Board of Antiquities), a staff archaeologist named Muhsin and his son, plus one

guard remained in the building. I should say that the building is a very large one with public galleries, museum offices and conservations labs, storerooms, workrooms, cataloguing rooms, and so forth. But connected to the museum are wings with more than 100 offices and a reference library that house the State Board of Antiquities, which oversees all archaeological work in Iraq, including museums.

A small group of dedicated staff intended to remain in the building and was expecting to make a peaceful handover to the U.S. troops. But they had been wise enough not to count on that eventuality. They had stored the manuscripts in the underground bunker, as mentioned above. They also took the majority of the books from the reference library and stored them in the same bunker. In addition, they assigned a select committee to dismantle the moveable objects from the public galleries, leaving in place only those that were too large or too firmly mounted into the walls to be removed without damage. They sand-bagged some large sculptures, wrapped foam around other items, and hoped for the best. The objects removed from the public halls were hidden in a secret storage facility, whose location was known to only five of the committee. Other groups of important artifacts had been safeguarded years before.

Over the 13-year period of the embargo, press reports would occasionally suggest that Saddam's wives were wearing the gold jewelry from the Queens' tombs at Nimrud, an incredible group of burials found intact in northern Iraq in 1988-89. These objects had been on display in several halls of the Iraq Museum until the Gulf War of 1991. Since they were not to be seen, even after the museum was finally reopened in 1998, the rumors were born. But anyone visiting the muse-

"Details of the looting of the museum have been published with differing degrees of accuracy."

um at that time could also see that many of the items from the famous Royal Tombs of Ur, as well as iconic pieces like the copper head of an Akkadian king, were also not on show. These objects were in sealed boxes in the safe deposit vaults of the Central Bank and had been there since just before the Gulf War in 1991.

It can be said, in summation, that the museum staff had made some very good decisions to preserve the collections. They had also erected new walls in front of a main door and in the entrances of storerooms. They had also transferred to the museum all of the movable objects from the public galleries in the Mosul Museum and from the site of Hatra. This transfer was done because in the Gulf War of 1991, most of the regional museums had been raided and more than 5,000 objects were taken from them. They thought that the U.S. would not bomb the museum in Baghdad and that it would be taken intact and protected.

At 11 A.M. on Tuesday the 8th of April, as the sounds of battle grew closer to the museum complex, Dr. Jabber saw Iraqi militiamen jumping over the wall of the museum grounds and saw them take up fighting postures. When the fighting started, he decided to evacuate the museum and return in a couple of hours when the fighting stopped. As it happened, he and Dr. George went across the Tigris and when they wanted to return, U.S. troops holding the bridges would not let anyone cross.

Some fighting took place in the front of the museum, but there are very few bullet holes and only one tank-shell hole in an ornamental gate to attest to it. There have been contradictory reports on the number of fighters on the museum grounds, but even at the rear of the complex, along a street where fierce fighting was evidenced by tremendous damage to buildings across the street, on the museum side, there are no more than 50 or 60 bullet holes.

The museum complex was untouched on Wednesday the 9th, but on the 10th, looters came in

through a small back gate and entered the galleries by breaking through a glass block window. It was probably on this day that a group of seemingly professional thieves took selected items of great value from the public galleries and, more important, from one of the most secure storerooms. Skeleton keys were found later in the building, and one or two doors seem to have been opened rather than forced. The knowledgeable thieves broke through a door to a stairway that led down to a steel door. Forcing open the steel door, they were confronted by a stone wall erected inside the doorway. They broke out the top two rows of blocks, enough to squeeze through, and went down another flight of stairs to the deep storeroom. Without electricity, the thieves had to rely on small fires made from packing material for light. But they knew exactly where to go to find one of the most valuable collections in the museum, the cylinder seals. They succeeded in taking 4,800 of these most-sought-after artifacts. They had also known where to find a set of hidden keys that would have opened cabinets with other seals in them, but fortunately they lost the keys before they were able to use them.

This group of thieves did not find the cuneiform tablet collection. These texts are also highly prized by collectors and would have been a prime target. The collection had been in this basement storage area, but had been moved some years before because the humidity was not good for them. The fact that the thieves did not know of the new storeroom for the tablets and did not know of the safe storage facility with the prime artifacts that had been taken off dis-

“There have been contradictory reports on the number of fighters on the museum grounds, but even at the rear of the complex, along a street where fierce fighting was evidenced, . . . on the museum side, there are no more than 50 or 60 bullet holes.”



Figure 3. (left) The Warka Vase before recovery (Strommenger, Eva: *Fünf Jahrtausende Mesopotamien*. München: Hirmer Verlag, fig. 19. Photo: Max Hirmer) and **(right)** after recovery (Photo via Oriental Institute).

play argues against allegations in some media that the museum staff were involved in the looting. No foreign scholar who has done research in the museum believes any of the allegations against the present staff.

There seems to have been another kind of looter in the museum complex. These were mainly people from the neighborhood who saw a chance to get something of value. Luckily, they were more interested in air conditioners, furniture, and computers than in artifacts. They broke every door in the administrative offices of the State Board of Antiquities and in the museum. They took most of the office furniture, opened file cabinets and strewn records not only in the rooms but also up and down the halls. There seemed to be some preparation to make bonfires of piles of paper, an eventuality that did not materialize. The theft of furniture, machinery and chemicals from the offices and conservations laboratories can be remedied fairly fast. The re-sorting and refilling of the thousands of papers, plans, dig records, photographs, negatives, etc. will take years to complete, and some things will be too damaged to save. The loss of institutional memory, or rather the scrambling of that memory, is almost as crippling as the loss of items from the storerooms and public galleries.

The looting was brought to an end on Saturday, April 12, when museum personnel came back into the museum, chased out looters, and put up a sign saying that Americans were in the museum and would shoot anyone entering, although no troops were there. Mobs still circled, wanting to enter, and the situation did not improve until April 16, when tanks finally came to secure the premises.

What exactly was lost? It is important to give real facts here because in mid-June, there was a frenzy of activity in the media to minimize the losses. Some writers accused the Iraqi antiquities staff and foreign archaeologists, such as myself, of exaggerating and even inventing the looting. Most of the commentators seized on the figure of only 30 or 33 items missing, ignoring the looting of the storerooms. Colonel Matthew Bogdanos led a special task force of investigators sent in by the U.S. to investigate the events at the museum. Arriving on April 22, they treated the museum as a crime scene, gathered information from all possible witnesses, worked out a timetable, and began to try to recover stolen objects. Almost immediately, people in the neighborhood began to bring back objects to the museum. Some were significant, including massive statues and metal work, but many were unfortunately reproductions, museum shop replicas, fakes that the museum had stored in a special cabinet, and similar items. Announcements in mosques helped to speed the rate of recovery of objects, and investigative action resulted in the seizure of important items.

Finishing the initial phase of the investigation, Bogdanos on July 11 at a meeting in London reported in minute detail on what had been taken from the various parts of the museum. From the public galleries, 40 items had been stolen, including the Warka Vase (later returned, probably too hot to sell) (Fig. 3 and photo p. 41), the Bassetki copper statue (see photo, p. 47), the headless statue of Entemena of Lagash, a statue of an Assyrian king (returned). In all, ten of the 40 items from the public galleries have been recovered so far, leaving 30 still missing. The famous Warka Head, still missing, was taken from a storeroom. The gold was stripped from the Ur lyre where it



Figure 4. Beginning of damage done to Nippur, southern Iraq, June 2003. Photo: via McGuire Gibson.

“... up to this point it can be stated that approximately 12,000 artifacts were stolen from the Iraq Museum, predominantly from the storerooms. Of these, almost 3,000 items have been recovered . . .”

lay on a table in a special storeroom in conservation (see photos, p. 42).

The painstaking inventory being undertaken by the museum staff in conjunction with U.S. Customs has established that up to this point it can be stated that approximately 12,000 artifacts were stolen from the Iraq museum, predominantly from the storerooms. Of these, almost 3,000 items have been recovered, some of the most significant ones being confiscated at Customs checks in Europe and the U.S. Bogdanos stated that he expects the figures both for lost and recovered items to continue to rise. The inventory of the storerooms is not yet finished, and perhaps there will be more seizures at borders.

It is pointless to guess how large the final number of stolen items will be until we have the final official

tally from the Customs officers. But it is clear that the losses from the museum are catastrophic. Luckily, they are not as great as originally feared. But even if only the 40 objects from the public galleries that Bogdanos mentioned had been taken, that would be a major loss by any museum's standards. Think of losing 40 items from any major museum's public display. And think of vandals trashing the administrative offices and labs of the Metropolitan Museum or any other. That will give you a gauge of how serious the situation is in Baghdad. But there are also losses from the public halls and the storerooms at Mosul, and damage to the structures of the museums at Babylon, Basra, and elsewhere.



Figure 5. Damage done to the site of Isin, southern Iraq, May 21, 2003. Photo McGuire Gibson.

ARCHAEOLOGICAL SITES

Mention of Babylon brings us to the damage to archaeological sites. Iraq has had an exemplary record in protecting its sites, and until 1991, there was virtually no trade in Iraqi antiquities. But the looting of 9 out of 13 regional museums during the uprisings at the end of the 1991 Gulf War spawned widespread illegal digging, smuggling, and trade in Mesopotamian material. All through the 1990s, the pace of illegal digging in Iraq increased. The State Board of Antiquities was able to get money to put salvage teams on some major sites and thus stop the looting at least on those sites. But when the recent war started, the looters returned to the sites, drove off the guards, and began wholesale destruction. Since hostilities ceased, the pace has increased, and sites such as Nippur (Fig. 4), which had never been violated before, now have hundreds of holes in them. I saw up to 300 looters at work on several sites (Adab, Umma, Isin, Umm al-Aqarib) when I was in Iraq in May (Fig. 5). The favorites seem to be famous capitals that were already excavated by foreign expeditions. There is a ready market for objects from those sites, since they are known. But I saw even small unknown sites riddled with holes. It is safe to predict that when

we get back to work in Iraq, we will find that hundreds of sites have been illegally dug, some virtually destroyed.

The general situation in Iraq is still uncertain, and the continuing destruction of archaeological sites is a symptom of the lack of control in the country. We hear of some efforts being made to protect 40 or so sites, but every day that passes means that thousands of objects are ripped from their context and begin their journey onto the international market in illegal antiquities. The loss of context reduces the value of an object greatly. If objects are found in place with other objects, each object takes on a great deal more significance. Clay tablets with cuneiform writing can give much information, but when found in a specific place with other objects, they can be made to tell much more, such as function of rooms, the location of a specific office or a specific bureaucrat. Genealogies that might be hinted at in one text can be recreated with greater assurance if texts are found in their find-spots. And objects that might appear mysterious in themselves can have their function revealed when found in context.

Without an eager market in the U.S., Europe, Japan, and elsewhere, there would be little or no looting in Iraq. Ironically, the looters are destroying not only their past but also their futures.

Many of these sites would have been excavated for years by archaeologists, and the men who are doing the illegal work would find employment for themselves and their descendants. When the oil runs out, Iraq will still have an economy based on agriculture and tourism, which itself will be based on antiquity. The destruction of major sites makes that future source less certain.

We are losing the "Heartland of Cities," the core sites of ancient Sumer. The key to saving the sites of Iraq is the same as the reconstruction of the museums, namely the reconstruction of the State Board of Antiquities and Heritage to its pre-Embargo levels. The administration of the State Board must be stabilized and given the authority to manage their personnel, plan programs, and determine the priorities of funding. Guards must be re-hired or replaced and allowed to carry arms, which are sometimes denied them under the occupation. The local representatives of the State Board, resident in cities and towns throughout the country, need to be backed up by the occupying authority until a government emerges. Crucial to the functioning of the local representatives is the supply of transport to make it possible for them to inspect the sites in their areas and report on looting. There must then be immediate action taken to stop the illegal digging. Iraq has many thousands of sites, and it will be a very difficult task to safeguard them. But a start must be made, at least in the area where the looting has been the worst. If one major site can be occupied by Antiquities guards, and the guards are able to call upon the occupying authority for support, they should be able to monitor a number of other sites in the vicinity.

Another aspect of control is the halting of the market for antiquities in the countryside and in the cities. Individuals report seeing antiquities for sale in small

"Mention of Babylon brings us to the damage to archaeological sites. . . . I saw up to 300 looters at work on several sites . . . when I was in Iraq in May."

towns in the south, as well as in the market in Baghdad. A few arrests by a reconstituted police force may have an effect here, but again the occupying authority must be willing to back up such actions.

The borders of Iraq are still essentially open, with searches only at designated border crossings. But the borders are long and porous. The calls for the banning of trade in Iraqi antiquities would help to slow the trade at the consumer end. Recent decisive action by the British government has put a chill on the trade in that country. Switzerland, long a haven for trade in illegally exported antiquities, appears to be joining Britain. Seizures in France and the work of Interpol and the French authorities seem also to be having a good result there. But it is feared that the center of the illegal trade will now shift to Germany and elsewhere. In the United States, which is perhaps the major consumer of illegal antiquities from Iraq, there is legislation before both houses of Congress. Near Eastern specialists, some museums, organizations such as the Archaeological Institute of America, the Society for American Archaeology, and the American Association for Research in Baghdad, as well as Iraqi-American groups prefer the House version.

It may be too late to save some of Iraq's cultural treasures and archaeological sites, but it is to be hoped that the example of Iraq will induce countries around the world to adopt and enforce the various conventions on cultural property (Geneva, Hague, UNESCO, UNIDROIT). Iraq's cultural heritage is also part of mankind's cultural heritage, and to protect it is to protect our own interests.



RedList ListeRouge

ICOM EMERGENCY RED LIST OF IRAQI ANTIQUITIES AT RISK

Purpose

This document has been designed as a tool for customs officials, police officers, art dealers and collectors to help them to recognize objects that could originate from Iraq.

This Red List describes the general types of artefacts most favoured by the illegal antiquities market, so that these may be identified and detained wherever they surface. They are protected by legislation, banned from export and may under no circumstances be imported or put on sale. An appeal is therefore being made to museums, auction houses, art dealers and collectors not to acquire them.

This is a list of the types of objects from Iraq which are particularly at risk and are likely to have been stolen. It is in no way exhaustive. Because of the tremendous variety of objects, styles, and periods, any antiquity from Iraq should be treated with suspicion.

This Red List was drawn up by a group of 12 international experts during a meeting held at the Interpol headquarters in Lyons (France) on 7 May 2003.

The Red List includes the following categories of objects

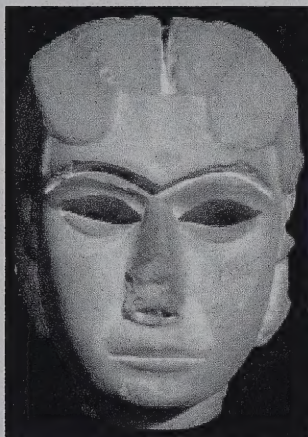
(arranged in order of how frequently they appear on the art market)

1. Tablets of clay or stone with cuneiform writing.
2. Cones and any other objects with cuneiform writing.
3. Cylinder seals of stone, shell, frit, etc.
4. Stamp seals of stone, shell, etc., and their impressions.
5. Ivory, bone plaques and sculptures.
6. Sculpture, 3-dimensional and relief.
7. Vessels / Containers (large or small).
8. Jewellery, carved gems and personal adornments.
9. Manuscripts, calligraphy, and archival documents.
10. Architectural and furniture fragments.
11. Coins.

**FOR MORE INFORMATION, PLEASE VISIT:
[HTTP://ICOM.MUSEUM/REDLIST](http://icom.museum/redlist)**

LES ŒUVRES D'ART LES PLUS RECHERCHÉES THE MOST WANTED WORKS OF ART

INTERPOL



1

OBJET : Tête de femme sumérienne, en marbre, environ 3000 av. J.-C., origine Warka

ITEM: Marble head of a Sumerian woman, c. 3000 B.C., Warka

DIMENSIONS : Grandeur nature / Life-size



2

OBJET : Statue en diorite représentant Entemena, environ 2400 av. J.-C., origine Ur

ITEM: Diorite statue of Entemena, c. 2400 B.C., Ur



3

OBJET : Table de jeux incrustée de coquilles, origine Ur

ITEM: Gaming board inlaid with shell, Ur

OBJETS PILLÉS DU MUSÉE D'IRAK, BAGDAD - AVRIL 2003 ITEMS LOOTED FROM THE IRAQ MUSEUM, BAGHDAD - APRIL 2003



4

OBJET : Personnage assis, en cuivre, environ 2250 av. J.-C., origine Bassetti

ITEM: Copper seated figure, c. 2250 B.C., Bassetti

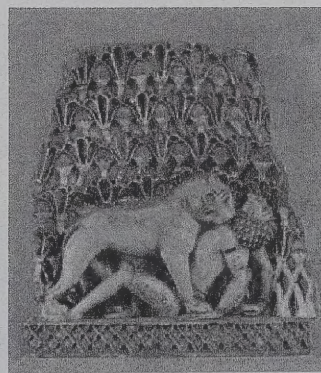
DIMENSIONS : Grandeur nature / Life-size



5

OBJET : Homme avec lionne et bouquetin, ivoire, 8^{ème} siècle av. J.-C., origine Nimud

ITEM: Man with lioness and ibex, ivory, 8th century B.C., Nimud



6

OBJET : Lionne attaquant un Nubien, ivoire et or, 720 av. J.-C., origine Nimud

ITEM: Lioness attacking a Nubian, ivory and gold, 720 B.C., Nimud

N° de dossier / File No.: 2003/22019

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JUIN-JUNE 2003

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- Should any of these items be discovered or any information concerning these cases become available, please inform the police who will contact their INTERPOL NCB.

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REPORT ON THE FIRST UNESCO CULTURAL HERITAGE ASSESSMENT MISSION TO BAGHDAD, MAY 16-20, 2003

∞ JOHN MALCOLM RUSSELL*

In mid-May 2003 I was invited to participate in the first UNESCO mission to Iraq to assess the impact of the recent war on cultural heritage. The text that follows is condensed from the report I wrote for UNESCO after the mission. Although by now (July) there have been some small improvements in the situation as described here, the report is of interest as the first outside assessment of the condition of the Iraq Museum immediately after the war, and in most respects it reflects the situation still facing cultural heritage in Baghdad.

For security reasons, ORHA (the U.S. Pentagon Office of Reconstruction and Humanitarian Assistance), which was in charge of administration in postwar Iraq, insisted that the group be kept small and that the mission be confined to Baghdad. While waiting in Amman for our flight to Baghdad, we ran into Tony Wilkinson (Professor of Archaeology, University of Chicago), who had just returned from a tour of Mosul and northern Iraqi sites with National Geographic.

*John Malcolm Russell, Ph.D., is Professor of Art History and Archaeology, Massachusetts College of Art, Boston, MA.



Figure 1. American tank guarding the Iraq Museum, Baghdad in May after the looting. Photo: John M. Russell.

As we were unable to visit these areas ourselves, his information was most welcome. Concerning the Mosul Museum, he reported that the sculptures in the Hatra gallery were smashed but apparently not stolen. In the Assyrian gallery, a few Assyrian inscribed bricks and some sections of bronze gate bands from Balawat were stolen. At Nineveh, the Sennacherib Palace site museum is near total destruction and needs immediate intervention. The sheet

metal roof needs to be replaced and the remaining sculptures and walls need comprehensive conservation treatment. At Nimrud, the Assurnasirpal II Palace site museum lost parts of two wall reliefs to looting, but was otherwise intact.

Immediately upon our arrival in Baghdad, we met with Ambassador Pietro Cordone, the newly-appointed administrator of culture for ORHA. We described the UNESCO mission goals and shared initial concerns. Ambassador Cordone was receptive, and in turn informed us that his first charge from ORHA was to investigate the extent of Baath party involvement of the Antiquities Department officials, in order to determine who could remain in their government positions. He cautioned us not to enter into any agreements with any Iraqi officials until this process was complete and the authority of these officials was confirmed by ORHA. We met again with Ambassador Cordone and his staff the day prior to our departure to report on our findings. Again, the meeting was very productive. Cordone shared with us two very important news items: first, an order had been issued that day authorizing payment of salaries to Antiquities Department personnel retroactive to April 1, and second, Cordone's office had decided to confirm Dr. Jabr Khalil (Director General of Antiquities) and Dr. Donny George (Director General for Research, Antiquities Dept.) in their positions and authority.

Ascertaining the situation in the Iraq Museum was the primary focus of our mission, and we visited it three times. On the first visit, we toured the galleries and administrative offices. The second visit focused on the conservation wing, the incoming objects room, the storage rooms, and the library. The third visit was to inquire about ways we might be of assistance. The building seemed secure at the time of our mission, with two Abrams tanks parked out front (Fig. 1), a military guard and razor wire at the gate, and sol-

diers living in the library. A summary of my observations follows.

Most objects had been removed from the public galleries to safe locations prior to the war. The only objects that remained behind were those that were too large or fragile to move, and those that were permanently attached to their displays (Fig 2). According to the report of Colonel Matthew Bogdanos, the officer in charge of the military's investigation of the looting, 42 such objects were stolen, of which 9 were subsequently recovered, and 15 more were damaged. [In a presentation at the Rencontre Assyriologique

“Three of these [storerooms] had been entered by looters, who gained access not through an active door, but rather through an abandoned doorway that had been walled up.”

Internationale in London in July, Bogdanos reported that 30 objects were still missing from the public galleries as of July 8.]

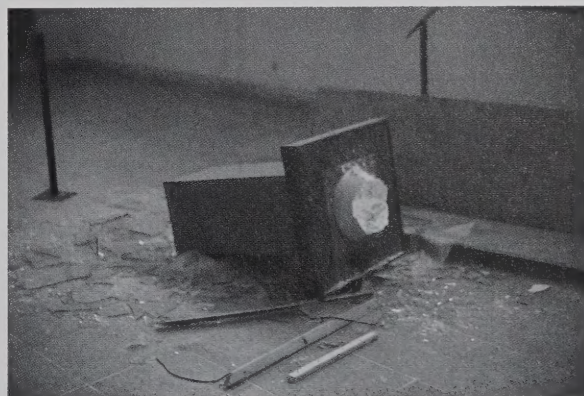


Figure 2. Display stand of the Warka Vase, with the base of the vase still attached, Iraq Museum, Baghdad. Photo: J.M. Russell.

As of May 16, the administrative offices are a mess. All offices were completely emptied of furniture and equipment, such as computers and cameras. Most doors have been broken down and need to be replaced. The object register is said to be safe. According to Donny George, establishing reliable satellite Internet and phone service, and restoring the administrative offices to a functional level are the most urgent priorities for the museum.

The incoming objects room is normally used as the place where objects coming into the museum from

“The second basement room seems to have been the most disturbed, with the theft of a still-unknown number of small objects, including jewelry and cylinder seals.”

“At the time of our visit, female students from Baghdad University were seated on the floor of this room, carrying out the inventory of objects.”

The entire conservation lab needs to be reequipped, and staff training brought up to date. Most chemicals were lost and portable equipment, such as microscopes, was stolen. The only equipment remaining is a scanning electron microscope that doesn't work, and four kilns for firing tablets. At present the temperature sensors of the kilns are inaccurate, which has apparently resulted in the destruction of at least one important archive of tablets. Muthena Muslim, the Director of Conservation, reported that a large number of Nimrud ivories were damaged by flooding while they were in storage in the basement storeroom. They were too damaged by water and mold for her to conserve them, so she put them, untreated, in open wooden trays to dry out. These were subsequently overturned and scattered during the looting of the storeroom, further aggravating an already major conservation emergency.

excavations are processed and as a holding area for objects on their way to the conservation lab. At the time of our visit, it was being used as the temporary location for damaged objects that were still on display in the public galleries during the looting, including the harp from Ur (broken and stripped of its gold covering) (Figs. 3 & 4), the formerly bejeweled skull of a woman from Ur, and a number of Nimrud ivories.

Five of eight storage areas in the museum had been broken into, and items were missing from at least three of these. Two of these rooms comprise the “old magazine,” a two-story area connected by a spiral staircase. The lower room, entered from the first floor, had been cleaned up since the looting occurred. Tin footlockers on the floor containing finds from 2002 excavations were dumped on the floor by looters and plundered – sites reportedly included Harba, Wilaya, Seleucia, and Aqar Quf. No tablets or cylinder



Figure 3. Harp from Ur after being stripped of its gold covering by looters, Iraq Museum, Baghdad. Photo J.M. Russell.



Figure 4. Harp from Ur, before damage. Early dynastic, 2450 BC. Photo: Scala/Art Resource, NY.

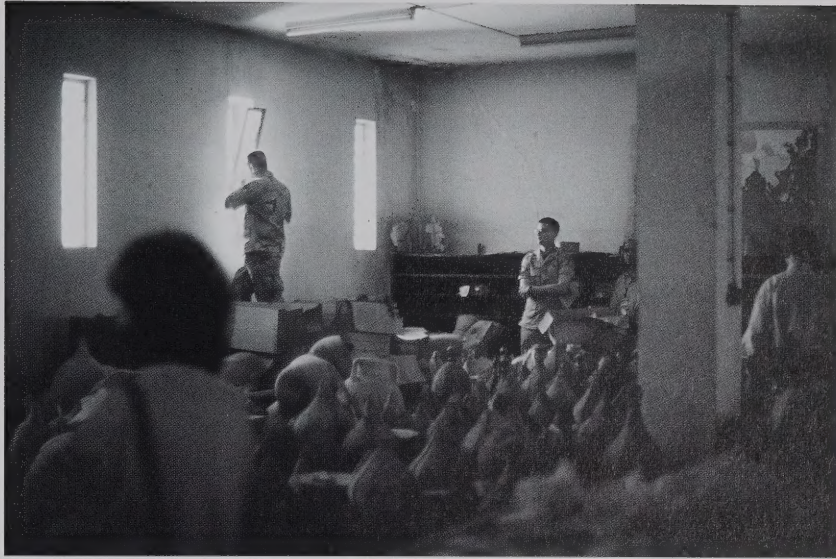


Figure 5. Upper storeroom with sniper post, Iraq Museum, Baghdad. Photo: J. M. Russell.

seals were in these boxes. Nawala Mutawalli, director of the museum, said these objects had been inventoried and returned to their boxes. Many other objects were stolen from shelves in this room. In July, Bogdanos reported that as of July 8, the number of items known to have been stolen from this room and the one above it stood at 2703, of which 2060 had subsequently been recovered. The upper storeroom is located directly above the first floor room and accessible only from it. It houses dozens, if not hundreds, of Torah scrolls and their boxes. This room was the site of a sniper's post, located at one of the narrow windows (Fig. 5). It is not clear when this was used, but presumably after the storage area had been opened by the looters. This room has natural light from windows, facilitating the work of the looters.

In addition, there are five connected storerooms in the basement. Three of these had been entered by looters, who gained access not through an active door, but rather through an abandoned doorway that had been walled up. The looters broke a small hole at the top of the blocking wall, through which they climbed into the store room. This area is windowless, so the looters used foam packing material to build fires on the floor in various locations to provide light for their work. This must have been a fleeting and dim light. This area had been cleaned up after the looting, so it was not possible to tell how disrupted it

“This was consistent with our own experience with Jordanian customs, which searched our luggage very thoroughly at the Amman airport when we returned from Iraq . . .”

had originally been. These rooms house many thousands of objects, so completing an inventory to determine what is missing will take months, if not well over a year. The first basement room was not badly disturbed, except near the door, where a considerable number of wooden trays of water-damaged Nimrud ivories had been overturned on the floor. Other litter in this area may conceal further damaged objects.

The second basement room seems to have been the most disturbed, with the theft of a still-unknown number of small objects, including jewelry and cylinder seals. The most serious loss from this room was the entire collection of cylinder seals accessioned into the museum prior to 1991, a total of 4795 seals. Just prior to the 1991 war these were placed in another location for security. In 2000 they were moved into the basement store room for eventual storage in locked cabinets. They had not yet been put into the cabinets, however, and so were easy prey for the loot-



Figure 6. (Above) Burned book stacks, National Library and Archives, Baghdad. Photo: J.M. Russell.

Figure 7. (Left) American soldiers pursue looters in the historic Kushla, Baghdad. Photo: J.M. Russell.

ers, who must have had enough information about the collection to know where these seals were. The coin collection was also here, but was reportedly undisturbed. [In July, Bogdanos reported that as of July 8, a total of 10,337 objects were known to have been stolen from this room, of which 671 had subsequently been recovered. He stressed that the number known to be stolen was still rising as the contents of the room were inventoried, a process that will take months.] At the time of our visit, female students from Baghdad University were seated on the floor of this room, carrying out the inventory of objects. The third basement room was opened, but little or nothing appears to have been taken. It contains mainly pottery.

The museum library was being used by American soldiers as living quarters, and as the place where recovered objects were spread out on a large table. Most of the ones on view were said to be the contents of tin footlocker #175 and 2 cardboard boxes, all of which were seized by Chalabi's men from smugglers heading for Iran. The curious thing is that most of the objects in these boxes were forgeries and reproductions, as also seem to be most of the objects on display that the Americans claim to have recovered from looters. Apparently these objects were stored in the first floor

storeroom and were stolen indiscriminately by looters along with genuine pieces.

Elsewhere in Baghdad, we toured the building that had housed the National Library and Archives (Fig. 6). The building consists of three floors and a basement. All but the basement had been completely burned during the looting, and the building itself suffered structural damage. We toured the building with Dr. Muayad Damerji, advisor to the Ministry of Culture, who was the source of my information on the collections. He said that part of the book collection and about half of the archive collection (comprising the state archives of Iraq from the late Ottoman period to the 1950's) had been moved to safety prior to the war. Most of what remained in the building was destroyed, including the microfilm copies of the archives, which were housed on the third floor. Only the basement was untouched by the fire, and since no firefighters came, it is still dry. Apparently some books are stored in the basement. I inquired about the existence of a paper and book conservation laboratory, and was told that nothing of that sort existed in Baghdad.

Of other historic buildings we visited in Baghdad, the Adhamiya Mosque suffered a large number of small

caliber bullet strikes to the interior decoration, but no serious damage. The clock tower out front was almost destroyed. The Bet al-Hikma was looted and burned. The roof has collapsed and the interior is completely gutted. In the Kasr Abassid, all of the modern reproduction doors and windows were removed by looters. The extent of damage, if any, to the Kushla is not clear (Fig. 7). We didn't go far into this structure as it was being looted at the time of our visit. The Architecture Center was looted of its contents and some architectural fittings.

Although our group was confined to Baghdad, we did meet with members of the National Geographic group who had just completed a tour of the south, notably Andrew Lawler, archaeology correspondent for *Science Magazine*, and Dr. Elizabeth Stone, of the State University of New York at Stony Brook, USA, who sent me a report of her trip after my return. They reported evidence of looting at several sites they visited, most notably Larsa, where they observed large new holes. In addition, during our final visit to the museum, our group met a German archaeologist, Susanne Osthoff, who had just returned from Isin, where she reported observing large-scale looting by a large group of diggers. Donny George also reported that looters were said to be working on a very large scale again at Jokha, a site that suffered massive damage from looting during the 1990's before the antiquities department reclaimed it by force of arms. Subsequent visits to southern sites by McGuire Gibson and a second UNESCO mission confirmed that looting of sites there was widespread and uncontrolled.

The evening of our return to Amman, we met with a large group of members of the diplomatic community to report on our findings. One of those attending was Dr. Fawwaz Khraysheh, Director General of the Jordanian Department of Antiquities, who reported that Jordanian customs was conducting very thorough searches of those crossing the border from Iraq. Customs had seized 163 heritage objects, he reported, of which "fewer than 100" are archaeological. This was consistent with our own experience with Jordanian customs, which searched our luggage very thorough-

ly at the Amman airport when we returned from Iraq, and with accounts of several other recent visitors to Iraq, all of whom reported being carefully searched at the land border between Iraq and Jordan. Efforts are being made to enlist the cooperation of customs services in other countries bordering Iraq, which is essential if antiquities are to be interdicted leaving Iraq.

To conclude, as I write this in late July, the shortages that I observed in Baghdad in May still continue to hinder cultural reconstruction efforts. Any plan to assist with heritage restoration in Baghdad must make allowances for the desperate humanitarian crisis in the city, as this affects every aspect of daily life. All of the Iraqis I spoke with agreed that their biggest problem is lack of law and order. One result of the chaos is that office workers leave for home around 3 pm in order not to get caught on the streets when the looting and robbery start. Most women won't come to work at all, since they feel vulnerable to kidnapping at any time. This is one of the problems at the museum, where female students are compiling the inventory under the direction of the museum director, but those who will come in, will only stay for a few hours.

In addition to order, the Iraqis need a lot of other things: On the last two days we were in Baghdad, the neighborhood of one of our local UNESCO workers received a total of a half hour of electricity, and there has been little improvement in subsequent months this summer. The water supply is variable and difficult to pump without electricity. Prices for fresh food have doubled since the war. Gasoline is in short supply and motorists typically must wait in line for gas. Without their salaries being paid, workers are reluctant to risk their personal safety to come to work, and many workers no longer have offices to work in. All of these factors affect the ability of the Iraqi workers to return to productivity, and must be taken into consideration in developing a recovery strategy.



CUNEIFORM INSCRIPTIONS IN THE LOOTED IRAQ MUSEUM

Robert Biggs*

In spite of being a relatively young national museum (founded in the 1920s, after the establishment of Iraq, 1920), the Iraq Museum in Baghdad owns one of the world's major collections of cuneiform inscriptions. Initial reports of the looting in the Iraq Museum suggested that thousands of cuneiform tablets were among the looted items. There is as yet no official report of the extent of losses, although some of the cuneiform tablets have been reported returned.

The cuneiform writing system (from the Latin word for "wedge") was in use in ancient Mesopotamia for some three thousand years . . . While many types of material were inscribed with cuneiform. . . the principal material was a plentiful, durable substance, clay."

The cuneiform writing system (from the Latin word for "wedge") was in use in ancient Mesopotamia for some three thousand years (approximately 3,000 B.C. to the beginning of the Christian era). Individual signs are made up of horizontal, vertical, or oblique strokes with a triangular, wedge-shaped head (see, e.g., Figs. 1 and 2). While many types of material were inscribed with cuneiform (including stone, metal, and ivory), the principal material was a plentiful, durable substance, clay. The relative permanence of writing on clay, whether baked or not, has meant that from ancient Mesopotamia, and other areas of the Middle East which employed clay and cuneiform script, a tremendous quantity of material has survived, ranging from accounts, contracts, legal codes, works of



Figure 1. (top) Large cuneiform tablet, about 2600 B.C., Abu Salabikh, Iraq, a collection of short hymns to deities. Iraq Museum 70269. Courtesy Oriental Institute, University of Chicago.

Figure 2. Palm-sized cuneiform tablet, about 2600 B.C., Abu Salabikh, Iraq, an account of barley. Iraq Museum 67646. Courtesy of Oriental Institute, University of Chicago.

*Robert Biggs, Ph. D., is Professor of Assyriology at the Oriental Institute, University of Chicago.

“The size and shape of cuneiform tablets varied greatly depending on the period and area and the purpose of the tablet.”

belles letters (such as the Gilgamesh Epic), quantities of hymns and prayers, vast collections of omens, extensive collections of medical texts, astronomical texts, and so on. Covering more than three thousand years of literate culture, these texts throw an unprecedented light on history and ancient society in one of the highly developed cultures of the ancient world.

Although there were extensive nineteenth-century excavations in what is now Iraq, the government's share of finds went to the capital of the Ottoman Empire, Constantinople/Istanbul, where the museum holds a very extensive collection of cuneiform texts, particularly those excavated at Tello (French expedition), Drehem (French expedition), Nippur (American, University of Pennsylvania), Sippar (French), Bismaya (University of Chicago), Fara (German), and Assur (German). The world's largest collection of cuneiform tablets is probably the British Museum's, much acquired in their excavations in the mid- to late nineteenth century, and partly acquired on the antiquities market.

The size and shape of cuneiform tablets varied greatly depending on the period and area and the purpose of the tablet. A document recording the delivery of one carcass of a sheep might require a tablet only an inch square, whereas a monthly account might require a tablet a foot square with many columns of writing on both sides. Most documents, such as contracts and letters, can be held easily in one hand. Some tablets were far larger than a foot square and could be several inches thick as well.

Until approximately 1968 when the antiquities laws were revised, there was a division of finds between

foreign expeditions and the Iraq Museum. While reserving exclusive rights to any object considered unique, the Iraq Museum had first choice of which half of the finds to retain. Thus, to mention major components of the Iraq Museum collections stemming from foreign expeditions, we may list the Diyala sites (Oriental Institute, 1930s), Khorsabad (Oriental Institute, 1920s and early 1930s), Nippur (Oriental Institute and the University of Pennsylvania, sometimes with other institutions), Ur (the British Museum and the University of Pennsylvania), Nimrud (British), Shemshara (Danish), Uruk/Warka (Ger-



Figure 3. Bronze base and fragmentary human figure, about 2350 B.C., bearing an inscription of Naram-Sin, King of Akkad, Bassetki, northern Iraq, looted from the Iraq Museum. Published *Sumer* 32 (1976).

man), to mention only major excavations producing inscribed materials.

Soundings, normally excavations of brief length, limited objectives, and a smaller staff than required for full expeditions, came under different laws. In the case of soundings, there was no division of finds.

Thus all finds from the Oriental Institute's soundings at Abu Salabikh in 1963 and 1965, both directed by Donald P. Hansen and on which I was the epigrapher, are in the Iraq Museum, including the most extensive collection of Sumerian literary and scholarly works of the mid-third millennium so far recovered in Mesopotamia (Figs. 1 and 2).

In addition to foreign expeditions, a number of sites were excavated by various Iraqi institutions, principally the Iraq Museum, the University of Baghdad, and the University of Mosul. Finds from these excavations were all retained by the Iraq Museum, though representative examples were displayed in the regional museums.

The Iraq Museum was spared any looting in the aftermath of the 1991 Gulf War, though most of the regional museums were thoroughly looted. A major discovery in recent years (by an expedition from University of Baghdad) was the library of cuneiform tablets at Sippar. Discovered in 1986 at Sippar, the home of the Babylonian sun god, Shamash, the cuneiform tablets were found still arranged on shelves. These tablets, datable to the Achaemenid Period of Persian rule in Babylonia, included a wide range of Babylonian literary and scholarly works. It has been confirmed that these tablets were not among the objects looted from the Iraq Museum in the aftermath of the recent war.

At this writing, there is still considerable uncertainty about the status of the other collections (from various sites) of cuneiform tablets in the Iraq Museum. Not so with one of the most famous inscribed pieces in the Iraq Museum, the Bassetki statue base of Naram-Sin of Akkad (about 2350 B.C.) (Fig 3). Discovered by accident in northern Iraq in 1975 during road construction, this bronze statue base (only the legs and part of the torso of the human figure are preserved) is definitely among the looted objects. Too heavy to move to safe storage (it weighs hundreds of pounds), it was left in the museum galleries. It was apparently dragged by the looters down a marble staircase, breaking each of the marble steps in the process. So far no word has surfaced on the fate of

"At this writing, there is still considerable uncertainty about the status of the other collections of cuneiform tablets in the Iraq Museum. Not so with one of the most famous inscribed pieces, the Bassetki statue base of Naram-Sin of Akkad. . . . This bronze statue base . . . is definitely among the looted objects."



Figure 4. Modern impression of a lapis lazuli cylinder seal, two figures with star and crescent moon between them, early second millennium B.C., Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy Oriental Institute, University of Chicago.



Figure 5. Modern impression of a gray stone cylinder seal, seven-headed Hydra, Akkadian period, about 2350 B.C., Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy of Oriental Institute, University of Chicago.



Figure 6. Modern impression of a limestone cylinder seal, a deity in a boat, surrounded by stylized animals and birds, about 2400 B.C., Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy of Oriental Institute, University of Chicago.

this unique work, surely of incalculable monetary value if it ever surfaced on the illicit antiquities market.

Another major category of objects which might bear cuneiform inscriptions are cylinder seals. Seals are small, usually an inch to two inches long, normally made of semi-precious stone, and engraved with figures, geometrical patterns, and, sometimes, inscriptions indicating ownership. They could be rolled on a damp clay document as signature or on lumps of clay to seal shipments of goods or to secure doors from undetected entry. Contrary to most museums where the majority of the seal collections were purchased on the antiquities market, nearly the entire collection in the Iraq Museum was from controlled excavations, thus assuredly authentic (the only other major collection largely from authorized excavations is in the Oriental Institute, Chicago). It has now been confirmed that the Iraq Museum's entire collection of seals accessioned before 1990 has been looted. The Director of the Iraq Museum, Dr. Nawala al-Mutawali, has stated that 4,795 seals were stolen. Typical examples, illustrated with modern impressions, from the Oriental Institute's excavations in the 1930s, are given in Figures 4–6.

Prior to the Gulf War of 1991 and the imposition of international sanctions, theft from ancient sites in Iraq was negligible. After that war, considerable quantities of antiquities, including cuneiform tablets, were apparently excavated from ancient sites, which the Department of Antiquities staff was unable to stop. These have reportedly entered a number of private and public collections in the United States, Europe, Japan, and Israel, sometimes with suspicious provenances listing old European collections.

While there may be a technical difference between looting and theft, for most people, the terms are synonymous. By any normal standards, what has happened (and is continuing to happen), by whatever legal name, is the destruction of Iraq's ancient past.

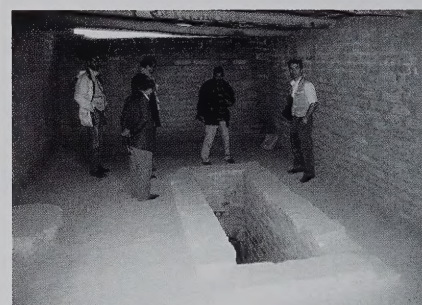


NIMRUD, THE WAR AND THE ANTIQUITIES MARKETS*

∞ Samuel M. Paley**



Figure 1(a). Gold necklace from Tomb II, a royal grave at Nimrud. IM 105716. Photo: Barry Iverson/Time Life Pictures/Getty Images; **1(b).** Austrian and Iraqi archaeologists at the entrance of one of the royal graves.



The city of Ancient Kalhu, which we know today by its common name Nimrud, is situated south of Nineveh and Mosul on the eastern side of the Tigris River. After over 150 years of excavation and study, this site is one of the best-known Assyrian sites in northern Iraq. On its citadel are the remains of four major palaces, three smaller palatial buildings, perhaps five temples, three gates, a ziggurat or temple tower of Ninurta, the patron god of the city, and six townhouses – all dating to the period of the Assyrian Empire. The excavations have explored only about 40% of the total area.

* A more detailed report on the status of Nimrud is in preparation for the Austrian symposium papers on Iraqi Heritage: Plündern, Vernichten, Vergessen: Kulturgüterschutz im Kriege und das kulturelle Welterbe im Irak, which was held June 11-13, 2003 in Graz and Vienna. Illustrations have been digitally rendered by Learning Sites Inc., Williamstown, Mass. USA.

** Samuel M. Paley is Professor, Department of Classics, The University at Buffalo, State University of New York.

Concurrent with foreign excavation efforts after the Second World War, the Iraqis worked alone and with British (Mallowan 1966), Polish (Meuszyński 1976; Sobolewski 1982a and 1982b) and Italian (unpublished) teams. The most recent Iraqi field director is Muzahim Mahmud Hussein. The Iraqis continued to work at the site, even under severe restrictions, until the Third Gulf War, in 2003. Their most recent contributions are in the Northwest Palace's west and south wings extending to the "Upper Chambers," in the area of the temples, east of the Ziggurat. There had also been a great deal of clearing of the excavated portions of the site for a site museum. (Bibliography and summaries in Oates, J and D. 2001; Reade 2002.) Looking at the citadel from the SE corner today, one sees the vast, un-excavated areas awaiting the archaeologist's spade and the back dirt of former projects.

In recent years, this site has drawn the public's attention because, between 1988 and 1990, the Iraqi excavators found four tombs built below the floors of the south wing of the Northwest Palace of Ashurnasirpal II (Fig. 1). The finds, which include jewelry of gold and semi-precious stone and vessels of gold and rock crystal (again, summarized in Oates, J and D. 2002, pp. 78-90, illustrated), were featured in the news media then; and, leading up to the Third Gulf War, have been the focus of several articles in popular journals. (ex. Lawler 2001, Luhnnow 2003.) The fate of these treasures worried us, as we knew that they were in the flooded vaults of the Iraqi National Bank in Baghdad; but, what was not known until a National Geographic Team assisted in the draining of the subterranean floors of the bank, was whether they had survived the flooding. They are now safe. (National Geographic Explorer on MSNBC, 8:00 and 11:00 PM, July 6, 2003)

For many years Nimrud had been the focus of considerable restoration and conservation and had been considered by visitors as one of the best-maintained sites, with Nineveh, in northern Iraq. The site museum was a well-kept and well-manicured excavation. The restored and re-erected human-headed door lions and bulls and preserved bas-relief decoration in the rooms of the palace were in good shape, protected from the elements.

But recently, the palace has suffered damage. The stone sculpture has deteriorated due to lack of conservation treatment; conservation of the original mud brick is a constant need; and there was looting, from the storage rooms on the site following the Second Gulf War in 1991 and directly from the site museum following the Third Gulf War this year.

After the Second Gulf War, the storeroom of the site museum of Nimrud was ransacked. The bas-reliefs stolen were from the Northwest Palace of King Ashurnasirpal II – fragments that could not be placed in original settings because the preservation of the rooms were not sufficient to be able to identify the exact positions – and from the very poorly preserved Central Palace of King Tiglathpileser III. Richard



Figure 2. Upper left section of a winged, human-headed genius wearing a two-horned helmet, from the Iraqi archaeologist's West Wing excavation in the Northwest of Ashurnasirpal II at Nimrud. Photo courtesy of the Northwest Palace Archive, Warsaw, Poland.

Sobolewski and I identified one Ashurnasirpal II bas-relief, which was seized by Scotland Yard last fall (Fig. 2). This bas-relief is the upper 60% of a slab from the West Wing of the palace, preserving a figure of a human-headed genius before a sacred tree with two ranks of palmettes.

The other bas-relief fragments that we identified come from the Central Palace of Tiglathpileser III, which is now one of the focuses of my research with Richard Sobolewski, architect and second director of the Polish Mission to Iraq. From 1974 to 1976, that mission re-excavated an area with buildings of Ashurnasirpal II and Shalmaneser III, Ashurnasirpal's son and successor, and the Central Palace, rediscovering many of the bas-relief fragments originally found in the 19th century but left behind. We have reported in *IFARreports* and *IFAR Journal* about the appearance on the antiquities market of four of the Tiglathpileser III bas-reliefs stolen from the Nimrud storerooms (Paley and Russell, *IFARreports* 1997; Paley, Sobolewski and Russell, *IFAR Journal*, 1999).

In the interest of maintaining pressure on the illicit trade in these antiquities, and that they not be lost in the confusion of the present crisis, I am bringing to the attention of this readership three additional frag-

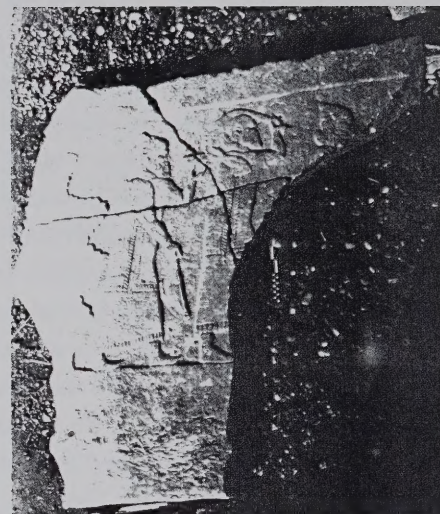


Figure 3a. (above left) Drawing by A. H. Layard of a bas-relief from the palace of Tiglathpileser III, Nimrud shown as discovered and preserved in Layard's mid-19th century excavations. **3(b)** Field photo of bas-relief as found by the Polish mission to Iraq in 1975. The upper left section is on the antiquities market. Barnett and Falkner Pl.XLVII, p. 96 with N-A/17/1975. Photo courtesy of the Polish Center of Archaeology, Warsaw.

"One can perceive a growing pattern in their presentation to prospective buyers: 1) as is, that is, as the individual piece was found; 2) cut down to obscure origin; and 3) broken apart by a sledgehammer."

ments that have appeared on the market since the publication of our earlier articles. Also, now that I have seen several stolen fragments on the market, one can perceive a growing pattern in their presentation to prospective buyers: 1) as is, that is, as the individual piece was found; 2) cut down to obscure origin; and 3) broken apart by a sledgehammer.

I. SLABS AS FOUND

Figure 3b (N-A/17/1975) shows four pieces of a multi-register slab of which only part of the lower register is preserved. It was part of a scene of tribute bearers leaving a city in Anatolia, the embattlements of which are partially preserved on the left of the scene. The Polish excavation found three adjoining fragments of this scene. The robed and bearded figure wearing a pointed turban and shoes with upturned toes at the end of the line to the right of the city walls holds a large bowl in his lowered right hand and a small bowl in his raised left hand. The similarly dressed figure next to him to the right (his garments have additional tassels on the "jacket" and he wears only a head band) carries a bag over his

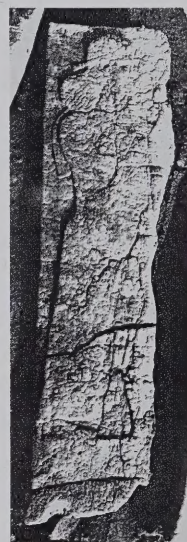


Figure 4. (above left) Field photo of an eroded bas-relief depicting a royal attendant, a eunuch, from the palace of Tiglathpileser III, Nimrud, as found by the Polish mission to Iraq in 1975. The entire fragment is on the antiquities market. N-A/22/1975. Photo Courtesy of the Polish Center of Archaeology, Warsaw.

Figure 5. (above right) Field photo of the left side of a two-register bas-relief depicting (upper register) two grooms leading a royal chariot and (lower register) a royal attendant, a eunuch, holding a fly whisk, ministering to King Tiglathpileser III, as found by the Polish mission in 1975. N-A/5/1975. Photo Courtesy of the Polish Center of Archaeology, Warsaw.

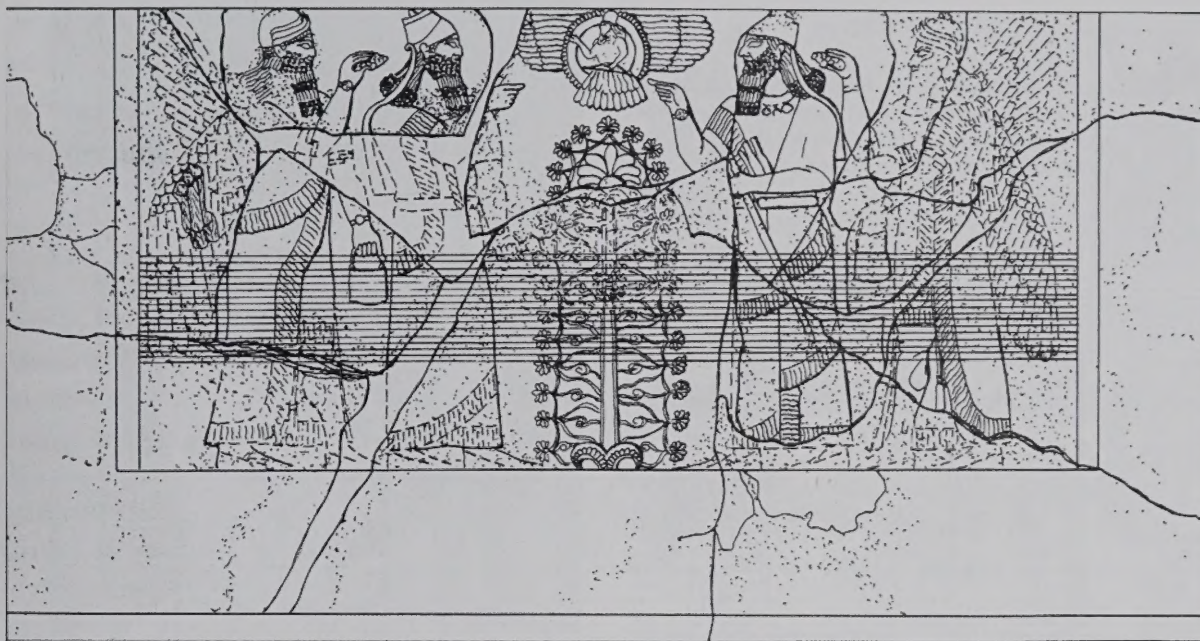


Figure 6a (above) Reconstruction of the bas-relief by H. Lewakowa for J. Meuszyński's publication of the throne room (Room B; the bas-relief is in position B-13) of the NW Palace of the King Ashurnasirpal II at Nimrud. The bas-relief depicts the king and a divine attendant at a royal ritual before the "sacred tree" surmounted by a god in a winged disk.



6b (left) May 2003 *in situ* photo following an attack by looters at the NW Palace site museum. The top of the tree and the god in the winged disk are missing. The heads of the king and the divine attendant to the right, were removed by Layard in the 19th century and are now in the Prince of Wales Museum, Bombay. The British residents of Bombay removed the heads from the packing crates that Layard was sending to London. B-13; Warsaw; Meuszyński 1981, plate 2:1. Photo courtesy of Mark Altaweel.

shoulder. Only the turbaned head of the figure in front of him is preserved. The fragment that appeared on the market is the head and upper torso of the figure carrying the bag and the head of the figure in front of him. The scene, originally found and drawn in the 19th century by the British excavator Austen Henry Layard, was re-discovered by the Poles.

Figure 4 (N-A/22/1975) shows a fragment of the upper register of a two-register bas-relief depicting a royal attendant without a beard. Although badly eroded, this piece was also offered on the market as is.

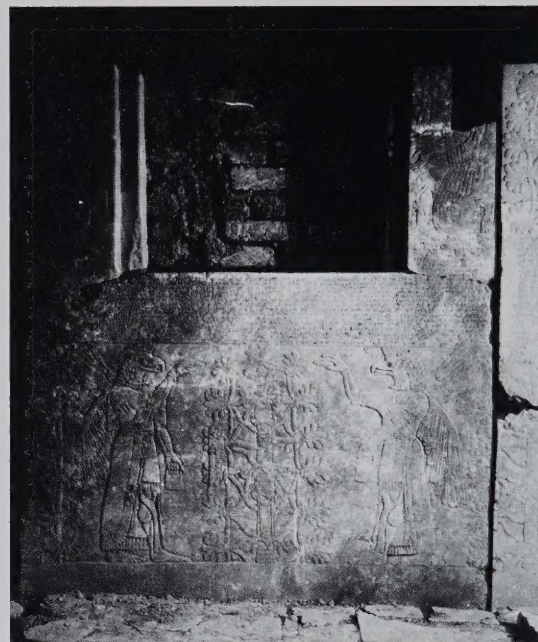
Another case of a slab (N-A13/75) offered on the market as it was found was published in *IFARreports* (Paley and Russell 1997, Fig. 3).

II. CUT DOWN TO OBSCURE ORIGIN

Figure 5 (N-A/5/1975) shows a large piece of the left side of a two-register bas-relief with an uninscribed band between the registers. The upper register depicts two soldiers leading a chariot drawn by a pair of horses. The rears of the horses and the chariot



Figure 7(a) H. Lewakowa's drawing of the bas-relief in position 9 in Room I. I-9: After Paley and Sobolewski 1987, plate 1:3.



(b) Bas-relief in photo of I-9 taken in the early 1970s for Meuszyński's records of the NW Palace. Photo courtesy of the Northwest Palace Archive, Warsaw.

are not preserved. The lower register depicts a beardless royal attendant with a flywhisk and a piece of a long cloth over his shoulder, standing behind the partially preserved figure of King Tiglathpileser III. The attendant alone was offered on the market. The upper register, the un-inscribed band and the king were completely cut off as was the preserved plinth of the slab.

A second example of a bas-relief cut down to obscure origin, discussed previously in *IFAR Journal* (see Paley and Russell, 1999, Figs. 1-4), is a two-registered bas-relief (N-A/12/76), from the corner of a room in the palace of Tiglathpileser III. A band of inscription separated the upper register – depicting a soldier, probably part of a war scene – from the lower register, depicting a soldier accompanying tribute or booty bearers. A fragment of this bas-relief – the upper warrior and inscription – was offered on the market. Most of the tree and the bottom register were cut away.

A figure of a wingless genius holding a flowering branch standing before a figure of King Tiglathpileser III (NA-43/76) was also published in *IFAR*



Figure 8. May 2003 *in situ* photo of the complete, restored bas-relief in position 20, Room S. The genius is facing left toward a sacred tree in the corner of the room. Photo shows face of figure splintered by looters. Photo courtesy of Mark Altaweel.

Journal. The looters cut away the king, the lower part of the genius's torso and the hand with the flowering branch (Paley, Sobolewski and Russell 1999, Fig 5).

III.

SMASHED BY A SLEDGEHAMMER

A war scene from the Central Palace at Nimrud, depicting a charioteer and two soldiers moving left away from a city under siege, is probably the most disconcerting example (see Paley and Russell, *IFAR-reports*, 1997, Fig. 1). Polish excavators in the 1970s discovered and documented two of the panels. One panel, showing the chariot (N-A/12/75), has appeared on the market. The robbers smashed off the upper right corner and then broke off most of the two soldiers behind the chariot.

The results of the looters' raids following the Third Gulf War were not extensive but were nevertheless damaging. In the throne room a restored bas-relief depicting the king performing a religious act at the "sacred tree" crowned by the god in a winged disk was broken apart and the god was stolen (Fig. 6b). We must be on the lookout for the figure of the god in the winged disk. From Room I, a bathing area in the east wing, which was broken into (Fig. 7), fragments of bas-relief, a winged genius and sacred tree from part of a single slab, perhaps I-9, were stolen from the set of well-preserved slabs on its southern wall. And finally from Room S (Fig. 8), an audience hall that fronts the harem (or south wing) of the palace, the looters tried to steal another relief depicting a winged, human-headed genius. In the course of breaking apart the restored fragments, a piece of the face broke off and shattered. The looters left the bas-relief behind presumably because the damaged piece was no longer valuable.

The rest of the most recent damage is in the form of bullet holes from a gun battle between the Nimrud guard and the looters – on a bas-relief from Room F and in an inscribed slab from the southeast corner of the central courtyard.

The site of Nimrud has had enough damage and enough pillage for this still-new century.

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PROTECTION OF CULTURAL HERITAGE IN TIME OF WAR AND ITS AFTERMATH

∞ JAMES A. R. NAFZIGER*

In April 2003, as the dust appeared to be settling on the Battle of Baghdad in the cradle of civilization, the world witnessed the horror of what appeared to be extensive looting of museums, libraries and other institutions in Iraq. At first, the decimation of the world's finest collection of ancient Mesopotamian artifacts and a wealth of later material appeared to be of an unprecedented scale. Fortunately, the extent of the looting turned out to be considerably less than originally thought. Much of the lost material had been safely hidden away before the fighting began, and some looted items were soon recovered. Even so, the occurrence of substantial plunder in the face of inadequate military safeguards and apparently organized plunder urges anyone concerned about protecting cultural heritage to review the applicable regime in time of war and in its aftermath.¹

The looting sparked controversy about the adequacy of international law to protect cultural property during and after military conflict, the extent of United States obligations, and compliance by the United States with those obligations. The media highlighted

such technical legal issues as the extent to which United States obligations were limited by its status as a non-party to several pertinent treaties, particularly the 1954 Hague Convention for the Protection of Cultural Property in the Event of Armed Conflict,² which has been ratified by over 100 states. These issues are properly considered in light of recent developments.

The Cold War's end introduced halcyon prospects of a new world order. Once again, as happened every twenty years or so in the last century, the global community foresaw a world ruled by right rather than might.³

¹In the end, of course, public understanding of the protective regime, and appreciation of its significance, are far more important than professional wrangling about the details. Neither a sense of common history or legal necessity is served by "the dry deadness of documents; the boring obscurity of academic vocabulary; the unaccessible abstraction of disembodied ideas removed from the rich natural and cultural landscapes that are their true homes." William Cronon, "Why the Past Matters," *Wis. Mag. Hist.*, Autumn 2000, pp. 2, 11. Public support nourishes the living law. Forgetting the law endangers civilization just as forgetting the past endangers the civic culture.

²Convention for the Protection of Cultural Property in the Event of Armed Conflict, signed May 14, 1954, 249 U.N.T.S. 240 [hereinafter 1954 Hague Convention].

³The first decade of the twentieth century witnessed the international codification of the modern laws of war and the establishment of the Permanent Court of International Arbitration. In the 1920s the League of Nations opened its doors as the first worldwide mechanism for peaceful settlement of disputes and the Kellogg-Briand Pact boldly outlawed all recourse to war. The 1940s introduced the United Nations and the Geneva Conventions of humanitarian law in time of armed conflict. The 1960s inaugurated major United Nations peacekeeping operations, and the late 1980s, the end of the Cold War.

*James Nafziger is the Thomas B. Stoel Professor of Law and Director of International Programs, Willamette University College of Law. He chairs the Committee on Cultural Heritage Law of the International Law Association (ILA) and serves as President of the ILA's American Branch. He is also a member of IFAR's Law Advisory Council.

International law and institutions would protect persons and property around the world.

This latest bubble of optimism soon burst in the heat of renewed warfare, ethnic cleansing, and collective terrorism. Iraq invaded Kuwait, removing some 20,000 artifacts and *objets d'art*, and, in the ensuing Gulf War, used cultural property to shield military objectives from attack. For many readers of this *Journal*, the destruction of Dubrovnik and the Mostar Bridge during the bloody implosion of Yugoslavia heightened skepticism about the capacity of the new world order to protect the cultural heritage.

A decade later, in a new millennium, the public has only limited confidence in the efficacy of either the *jus ad bellum* to avoid international terrorism and armed intervention or the *jus in bello*⁴ to protect persons and property.⁵ Simultaneous acts of mass terrorism and sabotage, the preventive use of force, and selective avoidance of the Security Council by its Permanent Members pose new challenges. Skepticism about the efficacy of the laws of war should not obscure two important facts, however: the unprecedented growth of international law and institutions during the Cold War, and the impressive record of compliance with the *jus in bello* by coalition forces in the thick of battle during the Iraqi campaign. Generally, the problems in protecting cultural heritage do not reflect an inadequacy of the law of war itself, but rather a lack of civic responsibility and inadequate commitment and training of military personnel, particularly in paramilitary operations and in time of civil war.⁶

⁴ *Jus ad bellum* is the branch of law that defines the legitimate reasons when a state may engage in war, while *jus in bello* refers to the laws that come into effect once a war has begun.

⁵ On the general problem of looting in time of war or its aftermath, see Neil Brodie, "Spoils of War," *Archaeology*, July/August 2003, p. 16. Of course, destruction of cultural heritage is not limited to armed conflict, as the Taliban's obliteration of the Buddhist statues near Bamiyan, Afghanistan attests, but such acts ordinarily lie within the reserved domain of domestic jurisdiction and thus beyond the competence of international law.

⁶ "Adequate law of war protection for cultural property exists." Hays Parks (Special Assistant to the Judge Advocate General of the Army for Law of War Matters), "Protection of Cultural Property from the Effects of War," in *The Law of Cultural Property and Natural Heritage: Protection, Transfer and Access*, 3-1, 3-26 (Marilyn Phelan ed. 1998).

"Three sets of treaties form the framework for protecting cultural heritage in times of war and its aftermath. . . . Together they respond to four threats to cultural heritage: deliberate attack, incidental damage, pillage, and outright theft."

Three sets of treaties⁷ form the framework for protecting cultural heritage in time of war and its aftermath. These are the Hague Conventions of 1899 and 1907; the Geneva Convention of 1949 and its two Protocols; and the Hague Convention of 1954 and its two Protocols. Together, they respond to four threats to cultural heritage: deliberate attack, incidental damage, pillage, and outright theft.

THE HAGUE CONVENTIONS OF 1899 AND 1907

The Hague Conventions of 1899⁹ and 1907¹⁰ with Respect to the Laws and Customs of War on Land, together with Annexed Regulations, generally prohibit pillage and destruction or seizure of enemy property unless imperatively demanded by the necessity of war. Private property cannot be confiscated.

⁷ Under the United States Constitution, the Senate must give its advice and consent to treaties by a two-thirds vote before the President may give notice of ratification on behalf of the United States. U.S. Const. art II, § 2. See generally James A.R. Nafziger, "Treaties," in *The Oxford Companion to American Law*, pp. 809-11 (Kermit L. Hall ed. 2002). Most agreements binding on the United States, however, are executive agreements, which by constitutional practice do not require the Senate's advice and consent. See James A.R. Nafziger, "Executive Agreements," *id.* pp. 282-83.

⁸ This summary of the international legal framework draws on more extensive discussion in M. Cherif Bassiouni & James A.R. Nafziger, "Protection of Cultural Property," 1 *International Criminal Law*, pp. 949, 950-62 (with full citations of authority). See also, Parks, *supra* note 6.

⁹ Convention with Respect to the Laws and Customs of War on Land, July 29, 1899, 32 Stat. 1803, T.S. No. 403, 26 *Martens Nouveau Recueil* (ser. 2) 949, reprinted in 1 *Am. Journal Int'l Law* 129 (1907) [hereinafter 1899 Hague Convention III].

¹⁰ Convention Respecting the Laws and Customs of War on Land, Oct. 18, 1907, 36 Stat. 2277 (1907), T.S. No. 539, 3 *Martens Nouveau Recueil* (ser. 3) 461, reprinted in 2 *Am. Journal Int'l Law* 90 (1908) [hereinafter 1907 Hague Convention IV].

Attack or bombardment of undefended buildings, including cultural targets, is also prohibited. Three provisions of the two Conventions deal specifically with the protection of cultural property. Signatory states must take steps to spare buildings dedicated to art, science, and religion from attack, and, with respect to their own cultural objects, give notice to the enemy by marking such objects. An occupying power must act responsibly in administering all public institutions, including museums. All seizure or destruction with an intention to damage institutions and historic monuments of art, religion, science and charity, or works of art or science is forbidden and subject to legal proceedings. The Convention of 1907 Concerning Bombardment by Naval Forces in Time of War (Hague Convention IX) requires that all necessary precautions be taken to spare historic monuments and edifices devoted to worship, art, science, and charity. Although never formally adopted, the Hague Rules of Air Warfare reiterate that historic monuments and cultural institutions be spared from aerial bombing during hostilities.

Unfortunately, the Hague Conventions of 1899 and 1907 failed to prevent widespread damage and destruction to cultural property during World War I, including the bombing of the Rheims Cathedral and the burning of the library at Louvain. There were no prosecutions for destruction of cultural property. Similarly, World War II witnessed the plunder by the Nazis of cultural property throughout Europe. In the ensuing Nuremberg Trials, however, the prosecutions of major Nazi war criminals firmly established confiscation, destruction, and damage to cultural property as a war crime subject to prosecution and punishment, and provided the first true international enforcement of cultural property law. In particular, Alfred Rosenberg, Director of the notorious *Einsatzstab Rosenberg*, was found guilty of war crimes based on his responsibility for the plunder of art treasures throughout Europe.

In an attempt to control looted articles after World War II, the United States, Great Britain, and France signed a statement of policy on control of looted articles that presaged the international response to the

looting in Iraq. The three nations agreed to take measures:

- to seek out looted articles and prevent their exportation;
- to encourage liberated states to provide lists of looted articles not yet recovered;
- to disseminate the lists to art dealers and museums; and
- to alert the general public to encourage the return of looted articles to their rightful owners.

THE GENEVA CONVENTION IV OF 1949 AND PROTOCOL I

The Geneva Convention Relative to the Protection of Civilian Persons in Time of War,¹¹ one of four agreements that still define the *jus in bello*, prohibits destruction of personal property, whether publicly or privately owned. In itself, the 1949 Convention therefore does little to strengthen the protective regime. But a 1977 protocol, that is, amendment to it (Protocol I to the Geneva Convention), prohibits acts of hostility against historic monuments, works of art, or places of worship that constitute the cultural or spiritual heritage of people and the use of such property for military efforts and prohibits direct reprisals against such property. Further, Geneva Convention IV and its Protocol I make it a “grave breach” to destroy clearly recognized and specially protected historic monuments, works of art, or places of worship. As a “grave breach” the offense constitutes a war crime, and thus an international crime subject to universal jurisdiction.

THE 1954 HAGUE CONVENTION

Increasing international pressure for an agreement that would specifically address the protection of cultural property during armed conflict resulted in negotiations that led to the 1954 Hague Convention. It attempts to broaden the scope of the 1899 and 1907

¹¹ Geneva Convention Relative to the Protection of Civilian Persons in Time of War (Geneva IV), signed August 12, 1949, 6 U.S.T. 3516, T.S. No. 3365, 75 U.N.T.S. 287 (effective Feb. 2, 1956) [hereinafter Geneva Convention IV].

“The Convention also requires occupying states to help in safeguarding and preserving cultural property. . .”

Hague Conventions by taking into account the events of World Wars I and II, by premising the law in the “cultural heritage of mankind,” and by incorporating certain provisions of Geneva Convention IV to create a truly effective and comprehensive agreement on the protection of cultural property during hostilities, whether international or non-international (civil war). The Convention covers both movable and immovable property, which may bear a distinctive emblem. Parties must undertake preparations in time of peace against the foreseeable effects of armed conflict and prohibit:

- any use of the cultural property in a manner that will likely expose it to destruction or damage in the event of an armed conflict;
- the commission of any acts of hostility or reprisal against cultural property except for reasons of military necessity; and
- any form of theft, pillage, or misappropriation of cultural property.

To help enforce these provisions, parties agree to take steps to prosecute and impose sanctions upon offenders. The Convention also requires occupying states to help in safeguarding and preserving cultural property and provides for return of property seized during a conflict.

In addition, the 1954 Hague Convention outlines procedures for the special protection of specific items of cultural property. To qualify for special protection, cultural property must be either immovable property of “*very great importance*” or a refuge to shelter movable property, it must be situated at an “adequate distance” from an industrial center or important military objective, and it may not be used for a military purpose, such as stationing military personnel

or storing weapons. Once cultural property is placed under special protection, state parties must ensure the immunity of the property by refraining from directing any hostilities against it. Special protection is ensured through the use of distinctive

markings and the property’s subsequent entry into an international registry at UNESCO. To date, however, only a handful of states have registered property for special protection, and such property is limited to just a few works.

Protocol I¹² to the 1954 Hague Convention imposes additional obligations on a state party that is occupying the territory of another state. It requires an occupying state to: (1) prevent the export of cultural property from the occupied territory; (2) seize all cultural property imported into its territory from any occupied territory; (3) return the seized property to the formerly occupied territory at the close of hostilities; and (4) pay an indemnity to the holders in good faith of any cultural property which has to be returned.

Perhaps the most successful implementation of the 1954 Hague Convention occurred during the Gulf War (1991) in which many members of the coalition forces were either parties to the convention or, in the instance of non-parties such as the U.S., accepted its rules, most notably by creating a “no-fire target list” of places where cultural property was known to exist.¹³ The 1954 Hague Convention was not, however, effective in Yugoslavia, as the Dubrovnik and Mostar bombings illustrate. Such wanton attacks on cultural property prompted efforts to amend the 1954 Hague Convention to prevent similar destruction and insure greater individual and state accountability.

¹²Protocol for the Protection of Cultural Property in the Event of Armed Conflict, signed 14 May 1954, 249 U.N.T.S. 358 [hereinafter Protocol I to the 1954 Hague Convention].

¹³But see allegations of limited military damage in Richard L. Zettler, “Iraq’s Beleaguered Heritage,” *Archaeology*, May/June 1991, p. 38.

“Even though the U.S. is not yet a party to the 1954 Convention, it has taken steps to comply with the Convention’s conducting provisions. . .”

“It is arguable that if the U.S. acted irresponsibly in failing to take necessary steps to avoid the looting in Iraq, as many allege, it thereby breached its essential obligation, even as just a signatory to the 1954 Convention, to protect cultural property.”

These efforts culminated in 1999 on completion of a second protocol to the 1954 Hague Convention. Protocol II contains a greater number of penal elements than any previous cultural property instrument, with specific articles on criminal jurisdiction, a duty to prosecute and extradite, and mutual legal assistance. In addition, going beyond the idea of *special* protection announced in the underlying 1954 Hague Convention, Protocol II includes a provision to define property under *enhanced* protection. This narrowing of the scope of protection represented frustration with the failure of the registration regime under the 1954 Convention to attract much interest. To qualify for enhanced protection, cultural property must meet three conditions: (1) it is of the *greatest* importance to humanity, such as designated World Heritage sites; (2) it is protected by adequate domestic legal and administrative measures, including existing UNESCO protections, recognizing its exceptional cultural and historic value; and (3) it is not used for military purposes to shield military sites, and a declaration has been made by the state that has control over the property that it will not be so used.

Protocol II¹⁴ to the 1954 Hague Convention expands upon the provisions in the 1954 Hague Convention for preparatory actions in time of peace to safeguard cultural property against the “foreseeable effects” of an armed conflict. States parties must therefore (1) prepare a national inventory; (2) plan emergency measures for protection against fire and structural collapse; (3) remove all movable cultural property from areas that are likely to be damaged

during military action or prepare adequate *in situ* protections of such property; and (4) designate competent authorities responsible for the safeguarding of cultural property.

The instrument also includes precautionary measures that

must be taken by states parties to prepare for and conduct military operations. All feasible measures must be taken to verify that the objects likely to be used for military purposes or likely to be attacked are not protected cultural property. Also, all feasible precautions must be made in the choice of targets and methods of attack with a view to protect and avoid losses and damage to cultural property. Furthermore, a state must refrain from attack when either the objective is the destruction of protected cultural property or the attack might create incidental damage to cultural property that is excessive in relation to the anticipated military advantage. The underlying principle, again, is one of military necessity. Protocol II to the 1954 Hague Convention also establishes individual criminal responsibility for violations. A state party therefore must either prosecute or extradite any person found in its territory who is deemed to have committed serious violations of the Hague/Protocol II rules. In addition, the instrument contains provisions for mutual legal assistance and the establishment of a committee to help implement the protocol and protect the specifically identified cultural property.

United States *treaty* obligations to protect cultural heritage during and after conflict are broad but lacking in detail. The U.S. ratified and therefore is a party to the general provisions of the Hague Conventions of 1899 and 1907 and the Geneva Convention IV of 1949, but is not bound by the two Protocols to the 1949 Geneva Convention or to the 1954 Hague Convention or either of its Protocols. The explanation for this aloofness from detailed rules for protecting cultural heritage lies in Cold War anxieties, particularly about the implications of expected nuclear con-

¹⁴Second Protocol to the Hague Convention of 1954 for the Protection of Cultural Property in the Event of Armed Conflict, opened for signature Mar. 26 1999, see: www.unesco.org [hereinafter Protocol II to the 1954 Hague Convention].

flict, and, more recently, bureaucratic delays in ratifying the instruments.¹⁵ Even though the U.S. is not yet a party to the 1954 Convention, however, it has taken steps to comply with the Convention's conduct-regulating provisions under general principles of international law and custom. These steps have included signing the Convention, educating military personnel in it, and conforming military operations to its requirements.

A concluding summary of United States obligations in the aftermath of its intervention in Iraq will illustrate the significance of both binding and non-binding rules of warfare. The Hague Convention of 1907 requires military authorities to restore and ensure public order, including adequate measures to enforce a specific prohibition of pillage. The 1954 Hague Convention on Protection of Cultural Property in the Event of Armed Conflict and its two Protocols impose additional obligations to safeguard and preserve property under military control, to prevent exportation of looted material, and to facilitate its return to countries of origin. Although the U.S. has not ratified and is therefore not fully bound by the 1954 Convention, it is nevertheless obligated as a *signatory* to act responsibly so as not to defeat the treaty's object and purpose of protecting cultural material.¹⁶ It is arguable, therefore, that if the U.S. acted irresponsibly in failing to take necessary steps to avoid the looting in Iraq, as many allege, it thereby breeched its essential obligation, even as just a *signatory* to the 1954 Convention, to protect cultural property. Moreover, the 1970 UNESCO Convention on illegal trafficking in cultural property,¹⁷ to which the United States *is* a party, prohibits importation and acquisition of stolen material. This treaty obligation

is a reminder that the protection of cultural heritage in the event of war and its aftermath depends on implementation in time of peace, especially efforts to increase public awareness and ensure education of military personnel.¹⁸



¹⁵Since 1999, when President Clinton submitted the Hague Convention and its Protocols to the Senate, the two instruments have awaited that body's Advice and Consent.

¹⁶A rule of international custom to this effect is codified in Article 18 of the Vienna Convention on the Law of Treaties, May 23, 1969, 1155 U.N.T.S. 331, *reprinted in* 8 I.L.M. 679 (1969). Although the United States is not a party to the Vienna Convention, it has accepted the articulated burden of international custom.

¹⁷UNESCO Convention on the Means of Prohibiting and Preventing the Illicit Import, Export and Transfer of Ownership of Cultural Property, *adopted* Nov. 14, 1970, 823 U.N.T.S. 231, *reprinted in* 10 I.L.M. 289 (1971).

¹⁸Parks, *supra* note 6, pp. 3-25.

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Most items in this publication are registered in the database of the Art Loss Register, with its New York office at 20 East 46th Street, New York, NY 10017 and its London office at Suite 101, Linton House, 164-180 Union Street, London, SE1 0LH.

The photo of each item is accompanied by a brief description of the work, the ALR catalogue number, if registered, and the date and place of theft. An asterisk before the catalogue number means that a photograph of the stolen work is available, although not necessarily included in this issue.

The information contained in each entry is supplied by the owner, and IFAR does not accept responsibility for its accuracy.

Anyone wishing additional information should contact the ALR at 212.297.0941.

ANTIQUITIES REPORTED AS STOLEN/LOOTED FROM THE IRAQ MUSEUM DURING OPERATION IRAQI FREEDOM

As reported by Dr. Donny George, Director General, Dept. of Research and Studies, on April 23, 2003 and Dr. Nawala al-Mutawalli, Director General of Iraq Museums, on April 28-30, 2003 to the Dept. of Homeland Security, Bureau of Immigrations and Customs Enforcement (U.S. Customs). Item numbers are supplied by U.S. Customs. Item numbers missing from the Customs numerical sequence indicate recovered items. "IM" refers to Iraq Museum inventory numbers. The descriptions with a "Catalog number" were obtained from the *Treasures of the Iraq Museum*, by Dr. Faraj Basmachi, Ph.D., published by Republic of Iraq, Ministry of Information, Al-Huria Printing House, Al-Jumhuriya Press, Baghdad, Iraq, 1975-1976.

- 1 (Customs Item 1) *Head of a Sumerian Woman* (Warka/Uruk, c.3000 BC). 21.5 cm. White marble. Cat. #21, IM #45434.



1 (CUSTOMS ITEM 1)

- 2 (Customs Item 3) *Entemena* (Ur, c.2430 BC). Diorite. Natural size, head missing. Cuneiform inscription of his name on back and shoulder. 76 cm x 15 cm. Cat. #58, IM #5.



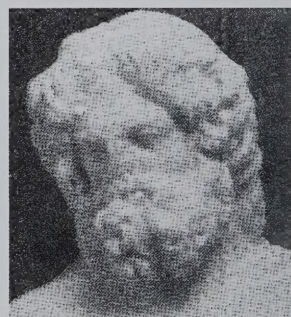
2 (CUSTOMS ITEM 2)

- 3 (Customs Item 4) *Plaque* (found at Nimrud, c.720 BC). Chryselephantine (ivory). Depicting a lioness killing a Nubian. Base: 1 x 10.5 cm; Height 9.8 cm. Cat. #175, IM #56642. See color photo on inside back cover.



3 (CUSTOMS ITEM 4)

- 4 (Customs Item 7) *Poseidon* (discovered at Hatra) only the head has been stolen; body left behind. White marble. IM# 73005.



4 (CUSTOMS ITEM 7)

*Numbering for the year 2003 Cumulative Index of Stolen Art begins with this issue.



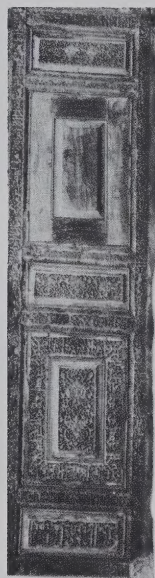
5 (CUSTOMS ITEM 8)



6 (CUSTOMS ITEM 9)



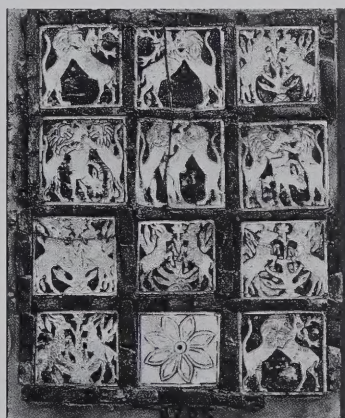
7 (CUSTOMS ITEM 12)



8 (CUSTOMS ITEM 13)



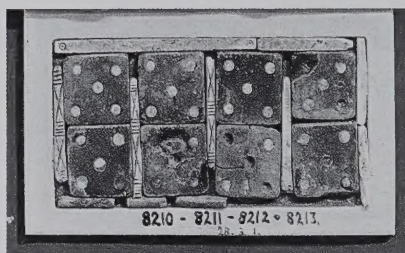
9 (CUSTOMS ITEM 14)



10 (CUSTOMS ITEM 16)

- 5 (Customs Item 8) *Apollo* (discovered at Hatra; Roman, c.160 AD; copy of 4th-century Greek original). Only the head has been stolen. Marble. Cat. #200, IM #73004.
- 6 (Customs Item 9) *Eros-Cherub* (discovered at Hatra: Roman copy, c.160 AD of 4th-century Greek original). Almost life-size. Only the head taken. Cat. #201, IM #73041.
- 7 (Customs Item 12) *Seated female deity* (found at Temple VII, dedicated to the worship of Hercules). Only the head has been stolen. Gray stone. Probably the wife of Hercules. Height: 70 cm. Cat. #245, IM #58086.
- 8 (Customs Item 13) *Two-leaf wooden door* (removed from the Mosque of Nebi Jarjis at Mosul, 6th-century AH-12th-century AD). Only the left door has been stolen. 213 x 40 cm. Cat. #277, IM #A677.
- 9 (Customs Item 14) *The Bassetki Statue*. Hollow cast copper. With an old Akkadian Royal inscription of Narm-Sin of Agade (2291-2255 BC) on the pedestal. The upper part of the seated person is missing. 34.5 x 13 cm. IM #77823.
- 10 (Customs Item 16) *Plate* (from Ur). Inlaid with shell depicting ritual scenes, used for gaming boards. 27 x 13.5 cm. Cat. #94-1, IM #8221.
- 11 (Customs Item 17) *Plate* (from Ur). Inlaid with shell depicting ritual scenes, used for gaming boards. Cat #94-2, IM #78205.

- 12 (Customs Item 23) *Goddess of Victory* (from Hatra, c.200 AD). Copper. Only the head of the statue has been stolen.

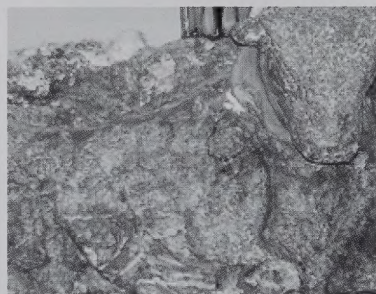


11 (CUSTOMS ITEM 17)



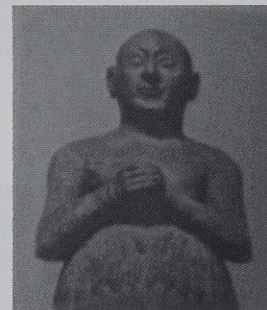
12 (CUSTOMS ITEM 23)

- 13 (Customs Item 28) *Bull*. Bas-relief. Bronze. Part of the facade of the Ninhursag temple. IM #513.



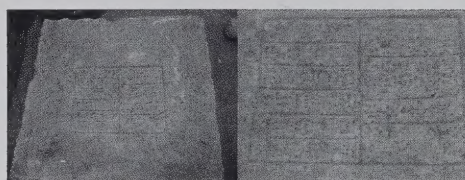
13 (CUSTOMS ITEM 28)

- 14 (Customs Item 29) *Upper part of a Sumerian sand-colored stone statue, almost life-size*. IM #5572.



14 (CUSTOMS ITEM 29)

- 15 (Customs Items 41-49) *Nine Babylonian cuneiform bricks* from a single exhibit. Sand-colored. IM #24730, 14168.



15 (CUSTOMS ITEMS 41-49)

- 16 (Customs Item 51) *Middle Babylonian boundary stone with inscription*. IM #84075. Photo similar to missing item.



16 (CUSTOMS ITEM 51)

- 17 (Customs Items 52-53) *Two Islamic tombstones*. IM #10253A, 9619A.



17 (CUSTOMS ITEMS 52-53)

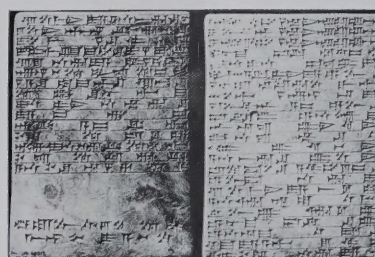
- 18 (Customs Items 54-56) *Three Islamic period stucco ornaments* (from Kufir). Photo similar to actual pieces.



18 (CUSTOMS ITEMS 54-56)

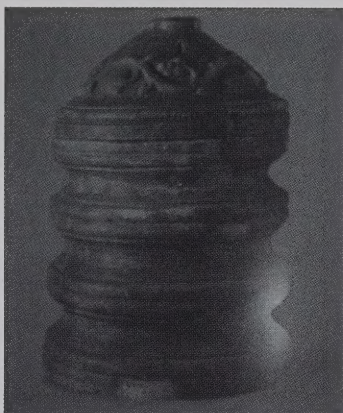
- 19 (Customs Item 57) *Assyrian bronze model chariot*. One meter square with 4 sides and axle. IM #11862. No photo available.

- 20 (Customs Item 58) *Stolen slabs from reign of Assyrian King Adad-nirari*. Cat. #163, IM #60819.



20 (CUSTOMS ITEM 58)

- 21 (Customs Item 59) *Ivory Tablet*. No photo available.



22 (CUSTOMS ITEM 60)

- ²² (Customs Item 60) *Marble money box*. (From Hatra). Photo similar to missing item. 61 cm diameter, 45 cm high.

CYLINDER SEALS

A collection of 4,975 cylinder seals was stolen from the Iraq Museum. Below are nine of the seals identified thus far; cataloguing is still underway. Iraq Museum numbers (IM) are indicated where known. Information and images provided by the Coalition Provisional Authority Ministry of Culture-Carabinieri T.P.C. Baghdad, and by the Oriental Institute, University of Chicago.



23

- ²³ *Cylinder Seal* (c.2000 B.C.). Lapis lazuli. Shows two figures with a star and a crescent moon between them. Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy Oriental Institute, University of Chicago. (Photo of a modern impression.)



24

- ²⁴ *Cylinder Seal* (c.2350 B.C.). Gray stone. Shows a seven-headed hydra. Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy Oriental Institute, University of Chicago. (Photo of a modern impression.)



25

- ²⁵ *Cylinder Seal* (c.2400 B.C.). Limestone. Shows a deity in a boat, surrounded by animals and birds. Tell Asmar, Iraq, presumably looted from the Iraq Museum. Courtesy Oriental Institute, University of Chicago. (Photo of a modern impression.)

26 *Cylinder Seal*. Gray stone. 10 x 10 mm. IM #18979.



26

27 *Cylinder Seal*. Brown stone. 30 x 22 mm. IM #18959.



27

28 *Cylinder Seal*. Ivory. 26 x 15 mm. IM #15613.



28

29 *Cylinder Seal*. White stone. 15 x 13 mm. IM #18981.



29

30 *Cylinder Seal*. Shell. 22 x 8 mm. IM #18976.



30

31 *Cylinder Seal*. Shell. 29 x 14 mm. IM #18961.



31

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STOLEN ART

PAINTINGS

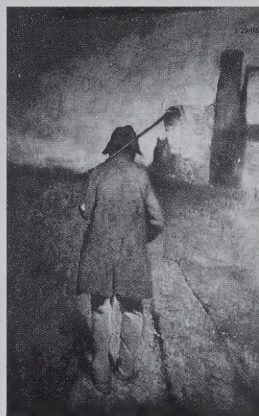
- 32 JANSSEN STEGNER (American, 20th century). *Maria with Tulip*, 2000. Oil on linen, 19" x 18" (48.26 x 45.72 cm). *No3.87. Lost in transit on January 9, 2003.
- 33 DONALD MOFFETT (American, 20th century). *Untitled (Thin)*, 2001. Oil on linen, 10" x 8". Signed and dated verso. *No3.109. Lost in transit on May 14, 2002.
- 34 GEORGES INNESS (American, 1825-94). *After the Day's Work*. Oil on canvas, 25" x 20". *No3.115. Stolen from an auction house in Los Angeles, CA between January 24, 2002 and January 9, 2003.
- 35 ANTOINE BLANCHARD (French, 1910-88). *Parisian Street Scene*. Oil on canvas, 18" x 22". Signed. *No3.121. Stolen from a private residence in Michigan on April 22, 2003.
- 36 EANGER IRVING COUSE (American, 1866-1936). *Figural Study for "Return of the War Party."* Oil on board. 12" x 9" framed. *No3.122. Stolen from an art gallery in New Mexico on April 13, 2003.
- 37 MILTON AVERY (American, 1893-1965). *March on the Rocks*, 1950. Oil on canvas. 34" x 44". Signed and dated. *No3.156. Stolen in Michigan.



32



33



34



35



36



37



38



39



41



42



43

38 HELEN MCCARTHY (American, 1884-1927). *Cloud Study*. Oil on board. 8" x 10". Stanford White frame. *No3.139. Stolen in Pennsylvania on May 9, 2003.

39 WILLIAM S. SCHWARTZ (American, 1896-1977). *Autobiography*, 1935. Oil on masonite. 30" x 23 ¹⁵/₁₆". Signed and dated verso. *No3.146.

40 PIETER POST (Attrib.) (Dutch, 1608-69). *A Cavalry Skirmish by a Capriccio of Roman Ruins*. See color photo on inside back cover.

41 *Christ at Emmaus* (Mexican, 18th century). Oil on fabric. 1.08 x 1.37 m. Stolen from the Oratorio of San Felipe Neri in San Miguel de Allende Guanajuato, Mexico on March 29, 2003. Interpol #20030507199.

42 *Virgin of Guadalupe* (Mexican, 17th century). Oil on linen. Stolen from the Temple of Holy Maria Acuitlapilco, Tlaxcala's, Mexico. Interpol #20030404836.

43 *Abraham and Isaac*. 2.5 x 2 m. Stolen in Cyprus. Interpol #20030506426.

The following two paintings were stolen from a university residence in Atlanta, GA in 1956: *No3.157.

- 44 MALVIN GRAY JOHNSON (American, 1896-1934). *Ermia*, 1934. Oil on canvas. 15½" x 13¾". Signed and dated.



44

- 45 ROBERT S. DUNCANSON (American, 1821-72). *Highland Scenery: The Pass of Leny*. Oil on board. 6" x 11⅞". Signed and dated verso.



45

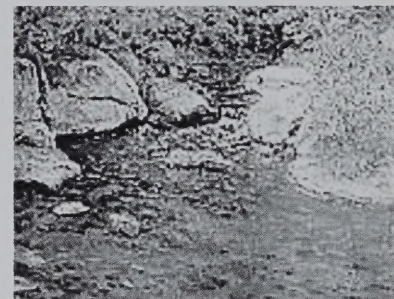
The following four paintings were reported stolen (*No3.131):

- 46 J. ALDEN WEIR (American, 1852-1919). *Orange Grove, Nassau*. Oil on canvas. 30" x 25". Signed l/l.



46

- 47 JOHN JOSEPH ENNEKING (American, 1841-1916). *Trout Brook*. Oil on canvas. Signed l/l.



47

- 48 THEODORE EARL BUTLER (American, 1861-1936). *Brooklyn Bridge*. Oil on canvas. 30" x 40".

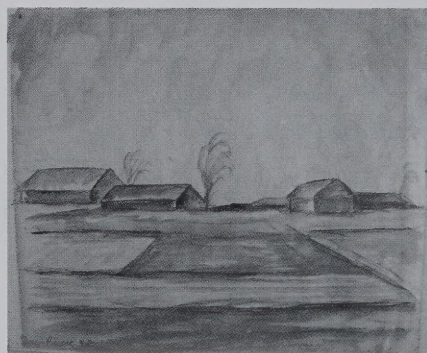


48

- 49 JOHN LESLIE BRECK (American, 1860-99). *Rocky Neck, Gloucester*. See color photo on inside back cover.

DRAWINGS/WORKS ON PAPER

- 50 DIEGO RIVERA (Mexican, 1886-1957). *Farm Buildings and Fields*, 1928. Watercolor. 7" x 8". Signed and dated l/l. *No3.126. Stolen from an auction house in Connecticut between February 17 and February 19, 2003.



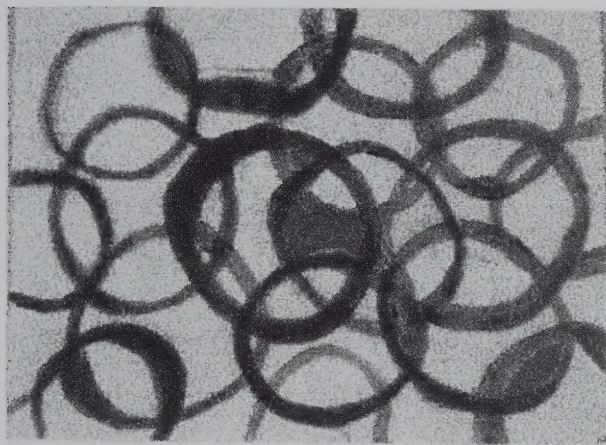
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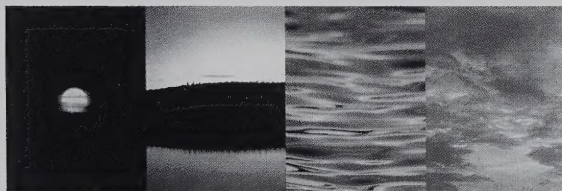
51



52



53



54



55

51 PAUL KLEE (Swiss, 1879-1940). *Child and Dog*, 1929. Pen and ink on paper. 8 1/4" x 8 1/2". Signed and dated verso. *No3.154. Stolen from a private residence in Vermont in November 2002.

52 GALIEN-EUGÈNE LALOUE (French, 1854-1941). *Place du Châtelet*, c.1910-20. Gouache on paper. 20 x 30 cm. Signed. *No3.114. Stolen from a gallery in New York City in April 2003.

MIXED MEDIA

53 LOUISE BOURGEOIS (French/American, b. 1911). *Untitled (Double Sided)*, 1996. Ink, watercolor, and cutout on paper. 12" x 16 1/4" (30.5 x 41.3 cm). Signed/stamped/ inscribed???: Bour-4821. *No3.90. Lost in transit on January 27, 2003.

PHOTOGRAPHY

54 TOM PORETT (American, 20th century). *Elements*. Digital print. 20" x 48". *No3.123. Stolen in Pennsylvania on February 4, 2003.

SCULPTURE

55 *Florentine Gilt Statue* (Italian, c.1650). Bronze and orange-red marble with black stand. Ht: 25.6 cm. *No3.101. Stolen from a car in Coppell, Texas on February 24, 2003.

- 56 SCHOOL OF CUENCA (Ecuadorian, 20th century). *Christ Crucified*, c.1930. Polychrome wood. 210 x 180 cm. Stolen in Quito, Ecuador on March 19, 2003. Interpol #20030406108.

The following two bronze sculptures were stolen from a library in Kentucky on May 8, 2003.

*No3.135:



56



57

- 57 MARILYN NEWMARK (American, 20th century). *On the Prowl*.

- 58 ROBIN LAWS (American, 20th century). *Fly By*.

The following two sculptures were stolen from a storage facility in California between March 1, 2001 and May 21, 2003. *No3.155:



58



59

- 59 FREDERIC REMINGTON (American, 1861-1909). *Coming through the Rye*. Cast bronze. 26.5" x 35" x 26".

- 60 PIERRE-PHILIPPE THOMIRE (French, 1751-1843). *Antique Tazza Table Centerpiece*. Ormulu plated and malachite veneered. Stamped on bottom.

The following two bronze sculptures were stolen from an art fair in New York City. *No3.165:

- 61 EDWIN CODMAN (American, b.1876-d.?). *Bulldog*, c.1920. 4" x 2 1/2" x 5 1/2". Stamped "Gorham Co" and signed.



60



61



62

- 62 PIERRE-JULES MÈNE (French, 1810-77). *Two Rabbits*, c.1850. 3" x 3½" x 6". Inscribed.

The following five sculptures were stolen in Colorado (Interpol no. 20030303719):



63

- 63 FREDERICK HART. (American, 1943-99). *Appassionata*. Acrylic resin. Approx. ht.: 25". Signature "F Hart" and number "123 of 95" engraved on the outer base.



64

- 64 FREDERICK HART. *Faith*. Acrylic resin. Approx. ht.: 25". "F Hart" and number 64 of 375 are engraved on the base.



65

- 65 FREDERICK HART. *Innocence*. Acrylic resin. Approx. ht.: 25". Signature "F Hart" and number 69 of 375 engraved on base.



66

- 66 FREDERICK HART. *Emerging Flame*. Acrylic resin. Approx. ht.: 25". Signature "F Hart" and number 163 of 395 engraved on base.

- 67 BOB WILFONG (American, 20th century). *The Journey*. Bronze with multi-colored patina. Approx. ht.: 20". Signed and numbered 1 of 15 on base.



67



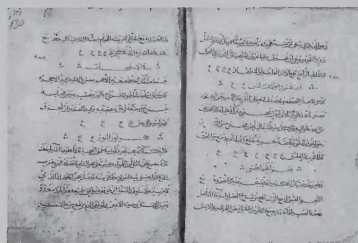
68

NATIVE AMERICAN ART

- 68 *Antique Native American Moccasins* (Kiowa Tribe). Fully beaded with heel fringe. *No3.132. Stolen from a gallery in New Mexico on February 13, 2003.

BOOKS AND MANUSCRIPTS

- 69 34 pages (17 folios) of an historical book, *KITAB'L HASAYIS*. In Arabic-Naskh script. Stolen from the Ayasofya Section, Suleymaniye Library in Istanbul. Interpol #20030506189.



69

DECORATIVE ARTS

Glass

- 70 DALE CHIHULY (American, b. 1941). *Winter Yellow Macchia with Ice Blue Lip Wrap*, c.1999. Glass. 20" x 37" x 33". Signed on bottom. *No3.162. Stolen from a public display in Washington in June 2003.
- 71 *Opalescent Stained Glass Windows*, c.1890s. Three measure 36 $\frac{3}{4}$ " x 44 $\frac{3}{4}$ ". Two measure 36 $\frac{3}{4}$ " x 46". *No3.137. Stolen from a construction site in Maryland between November 2002 and January 2003.
- 72 GALLÉ (French, late 19th century). *Cameo Landscape Vase*. Brown, lime green, and light blue glass. Signature "Gallé" etched on back of vase. Approx ht: 13". Stolen from a parked car in Coppell, TX on February 24, 2003. Interpol #20030303713. No photo available.



70



71

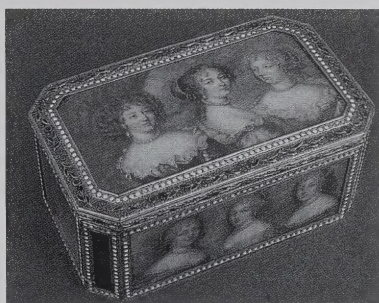
- BENVENUTO CELLINI (Italian, 1500-71). *Salt Cellar*, c.1540-44. See color photo on inside back cover.



74



75



76



77



78

MISCELLANEOUS

- 74 CHARLES DURGIN (American, 19th century). *Carved abalone shells*. Assorted sizes. *No3.141. Stolen from a Natural History Museum in California in May 2003.

- 75 *Snuffboxes*. *Lo3.578. The photo illustrates several of the items stolen from Madresfield Court, Worcestershire, England, on March 20, 2003.

The following two items were among 130 pieces stolen on June 10, 2003 from Waddesdon Manor, England, a mansion built in the 19th century to display the collection of Baron Ferdinand de Rothschild. *Lo3.814:

- 76 *Snuffbox*. Gold with miniatures.
- 77 CHARLES LE BASTIER (French, 18th century). *Snuffbox*, c.1765-66. Gold, enamel, and gouache.

MUSICAL INSTRUMENTS

- 78 PIETRO GIACOMO ROGERI (Italian, 18th century). *Violin*, c. 1720. Wood. L: 13 5/16". *No3.166. Stolen from a private residence in New York on June 4, 2003.

RECOVERED ART

- 3 GUSTAVE (HAUIESE) LIKAN (Yugoslavian/American, 1912-c.1990). *Early Summer*, 1942. Oil on canvas. 56 x 45 cm. Interpol #20030202489. Recovered in Croatia.



3

The following six works, stolen in transit from the Art Palm Beach Modern and Contemporary Art Fair in Florida in January 2003 (*Lo3.112), were recovered in Florida in a sting operation involving the U.S. Attorney's office and the FBI on July 16, 2003:

- 4 JEAN DUBUFFET (French, 1901-85). *Femme se Coiffant*, 1944. Oil on canvas. 61 x 50 cm.
- 5 RAOUL DUFY (French, 1877-1953). *St. James' Palace London*, 1936. Oil on canvas. 33 x 41 cm.



4



5

- 6 RAOUL DUFY. *Feuillage et Palmier*, 1934. Gouache on paper. 50 x 65 cm.
- 7 ALBERT MARQUET (French, 1875-1947). *Nuage Rose*, *Porquerolles*. Oil on canvas. 60 x 70 cm.



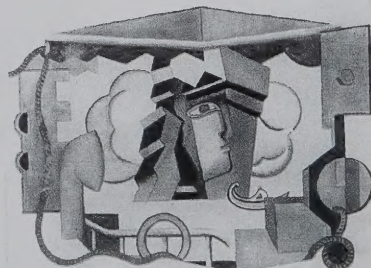
6

- 8 JEAN METZINGER (French, 1883-1956). *Composition Nautique*. Watercolor on paper. 8.75" x 11".



7

- 9 MURIEL SINCLAIR (French, b. 1924). *Petit Astre*, 1991. Mixed media on paper. 60.5 x 50.5 cm. No photo available.



8

*Numbering for the year 2003 Cumulative Index of Recovered Art began with *IFAR Journal*, vol. 5, no. 4.

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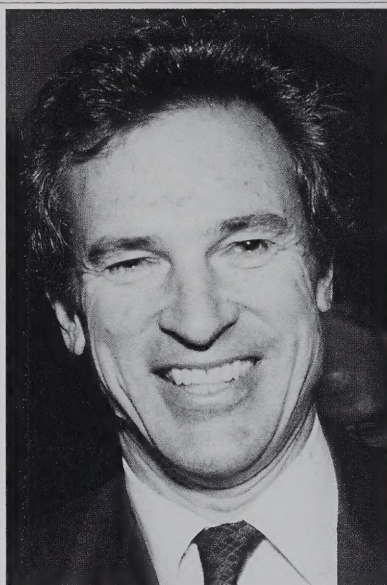
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In Memoriam

J. KIRK T. VARNEDOE

It is always sad when a trusted colleague and friend passes away, but when that colleague is still young and vibrant, with a brilliant mind, a kind heart, and so much left to say and give to the art world, it is a terrible loss. And that is how we at IFAR feel about the passing of Kirk Varnedoe, a member of our Art Advisory Council since 1980. What a bright shining star is gone! News of his death came as we went to press. His illness was no secret. But his long bout with cancer seemed under control, or so he – and we – believed until very recently. He was still vibrant when he last visited our office only weeks ago, so the sad news came as a shock.

I feel the loss very personally. I was a student of Kirk's when he was still a young Assistant Professor at Columbia University -- before he went on to teach at the Institute of Fine Arts and, after that, become Chief Curator of Painting and Sculpture at the Museum of Modern Art. He was one of my two "advisors" for the doctoral dissertation. Although not yet famous, Kirk's skill with words – for which he became legendary – was already apparent, as was his scintillating and original mind. He was also nice, and very generous with his time. So, it was no surprise that Kirk was the very first person I invited to speak at an *IFAR Evening* when I became Executive Director five years ago. It took a year to schedule it, but his talk, later published in *IFAR*



JANUARY 18, 1946 – AUGUST 14, 2003

SCHOLAR, PROFESSOR,
CURATOR, ORATOR, FRIEND

MEMBER, IFAR ART
ADVISORY COUNCIL, 1980–2003

WE WILL MISS YOU

Journal (Volume 3, number 1), was worth the wait. His topic: "Art, Law, and Ethics: Theory and Practice" was a quintessentially IFAR topic, but it was also one that had fascinated him since graduate school. What few people knew was that Kirk had co-taught an art law course at two universities with, coincidentally, two attorneys who are still distinguished members of IFAR's Law Advisory Council: Franklin Feldman, with whom he taught at Columbia, and John Merryman, Professor Emeritus at Stanford Law School, with whom he taught at NYU. Kirk's talk contrasted theoretical ethical issues with the mundane day-to-day challenges

he faced at MoMA. Not surprisingly, he was eloquent, insightful and fascinating, but what did come as a surprise afterwards was to see that, in preparation, he had jotted down merely a few words on paper, at which he barely even glanced anyway. We will not see his likes again soon.

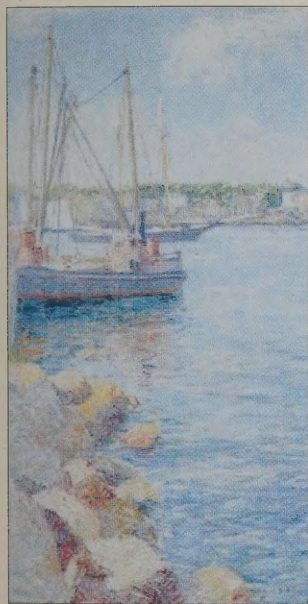
There will surely be many memorial programs in honor of Kirk, and deservedly so. The Institute of Fine Arts, for one, is preparing a program for the Fall.

Our deepest sympathy to Kirk's family and especially to his devoted wife Elyn Zimmerman, a brilliant sculptor who, herself, spoke at an IFAR Symposium last year, which, of course, Kirk proudly attended. We will miss him.

Sharon Flescher
Executive Director, IFAR



3 (CUSTOMS ITEM 4)



49



73



40

STOLEN ART

- 3 (Customs Item 4) *Plaque* (found at Nimrud, c.720 BC). Chryselephantine (gold and ivory). Depicting a lioness killing a Nubian. Cat. #175, Iraq Museum #56642. Reported stolen/looted in April 2003 from the Iraq Museum during Operation Iraqi Freedom.
- 73 BENVENUTO CELLINI (Italian, 1500-71). *Salt Cellar*, c.1540-44. Gold, enamel, and ebony. 26 x 33.5 cm. This piece, valued at \$58,000,000, was stolen on May 11, 2003 from the Kunsthistorisches Museum, Vienna.
- 49 JOHN LESLIE BRECK (American, 1860-99). *Rocky Neck, Gloucester*. Oil on canvas. 25" x 13". *No3.131. Reported stolen along with nos. x,x, and x (see inside p. x)
- 40 Pieter Post (Attrib.) (Dutch, 1608-69). *A Cavalry Skirmish by a Capriccio of Roman Ruins*, c. early 17th century. 42.6 x 77.5 cm. *No3.138. Lost in transit between New York and Florida on June 8, 2001.

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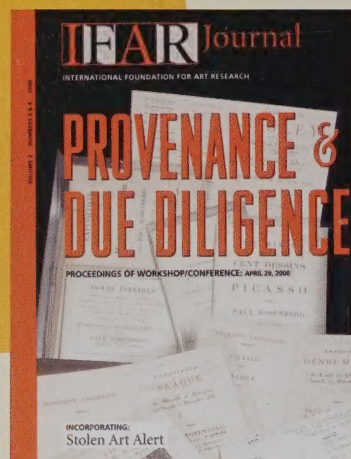
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Art Theft: its scope, its impact, and its control



INDEX OF STOLEN ART

1977



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